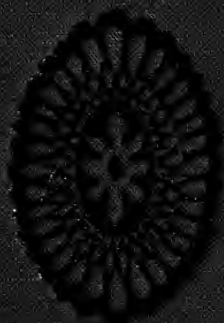


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W. P. Garrison

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# HOMICIDE, NORTH AND SOUTH.

BEING A COMPARATIVE VIEW OF CRIME  
AGAINST THE PERSON IN SEVERAL  
PARTS OF THE UNITED STATES.

BY  
*Grace*  
H. V. REDFIELD.  
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## PREFACE.

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THIS book is not written in a sectional or party spirit. There is no intent upon the part of the writer to influence a political result or extol one section of our common country over another. But in a large experience in nearly all the Southern States I have been impressed with the frequency of homicide,—averaging perhaps a homicide a day in a given State for months at a time, and that, too, where the population was but one-fifth or one-sixth as great as that of Pennsylvania or New York. And, further, that popular attention among those most interested was so little aroused by the frequency of this crime. In those States where the homicidal tendency of the population has such large development, the usual answer to suggestions that man-slaying is very frequent is something like this: “Oh, there are no more murders among us than among other people; there are murders everywhere, always have been and always will be;” or, “Murder is as frequent in the Northern States or in Europe as here;” or, “There

are more murders in New York City or Boston than in our whole State." They regret and deplore crimes of this nature, but accept them as evils that cannot be helped, evils that must be borne, and content themselves with reflections that every civilized country has a murder rate equal to, or even in excess of, that which prevails in most of the Southern States.

The object of this book is to show how very erroneous these conclusions are, and to try and arouse the governing elements in the South to a proper appreciation of the evil that afflicts society, to the end that there may be increased respect for human life and less consideration shown man-slayers in the courts.

No civilization yet attained has been equal to the entire suppression of murder. It occurs in all countries and among all people. But that it should be from four to fifteen times more frequent in the Southern States of our own country than elsewhere is calculated to arouse the latent forces of society against the continuance permanently of this condition of things.

The writer has spent the greater portion of his life in the Southern States. The friends of his youth are there. In an extended experience as a resident of one of the Southern States, and as correspondent of the *Cincinnati Commercial* visiting them all again

and again, he has experienced nothing but kindness. There is no malice in this book. Were the brighter sides of Southern life only dealt with, the hospitality, the generosity, the courage, and the finer and more lovable qualities of the Southern population set forth, the book to be written would be much larger than this. There is more good than evil in the South; more that is lovable than there is that is reprehensible; more cause for hope than for despondency. In this little work the writer deals with one of the greatest evils that afflict Southern society, with the belief and the hope that it can be remedied.

It is not political. Although there have been many political murders in the Southern States, yet the great majority of homicides, and the class dealt with in this book, have no more connection with politics than has petit larceny in New York.

WASHINGTON, D. C., July 1, 1880.



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# HOMICIDE, NORTH AND SOUTH.

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## CHAPTER I.

### HOMICIDE CONTRASTED, SOUTH AND NORTH.

THE life of a human being is surrounded by an awful sanctity, and from time immemorial the advance of civilization has been marked not only by an increased respect for human life, but by the enacting and enforcement of adequate penalties against those who slay their fellow-men. In England, in the last four hundred and fifty years, the murder rate has decreased fully eighteen hundred per cent., calculating the relative number of homicides to population. In England and Wales, with an aggregate population of over twenty-five millions, the number of homicides returned by the coroners' juries as "wilful murders" average about two hundred and thirty-five per annum, or less than one annually to every one hundred thousand inhabitants. Of homicides of all descriptions, including infanticide, there are about three hundred and seventy-five annually.

In our own country, in all the New England States, in the agricultural regions of New York, Pennsylvania, Northern Ohio, and many portions of

Michigan and Wisconsin, the rate is not higher than in England. Among the rural population of the New England States the number of felonious homicides do not exceed a yearly average of one to every one hundred and fifty thousand population.

It is in the late slave States that the number of homicides in proportion to population is far in excess of the rate ever known in the Northern States, or in England for the past four hundred and fifty years.

Upon a close investigation of this subject it is found :

*First.* That the number of homicides in the Southern States is proportionately greater than in any country on earth the population of which is rated as civilized.

*Second.* That the number of homicides in the Southern States since the war reaches the enormous aggregate of at least forty thousand. Continuing through a generation at the same rate, the destruction of life would equal that of a great war.

There were in the States of Texas, Kentucky, and South Carolina in the year 1878 *seven hundred and thirty-four* homicides. During the same time there were five hundred and twenty-two persons severely wounded by shots and stabs. Estimating that fifteen per cent. of the severely and dangerously wounded afterwards died of their wounds, it swells the number of homicides in these three States in one year to an aggregate of eight hundred and twelve. This is a low estimate of the fatality of wounds. Where, how-



ever, there was no doubt of the mortal character of the wound, it was classed as a homicide.

The year 1878 was a fair one for comparison, as there were no unusual disturbances that year. Taking it as an average year, multiply by the number since the war, and it would give these three States twelve thousand one hundred and eighty homicides. If killing of human beings was equally frequent in the other Southern States,—and in many of them it is,—the aggregate since the war would reach *fifty thousand*. But in some of the Southern States, notably Virginia, the rate of homicide is much less than in these three States. On the other hand, the rate in Mississippi, Louisiana, and Arkansas is higher than in South Carolina and Kentucky, which would bring up the average. But in Texas the rate is undoubtedly higher than in any other Southern State of equal population, which would lower the average. Throw off ten thousand because of a higher average in Texas than in the other States, and it leaves forty thousand. After making all allowances for miscalculation and errors of average, I believe that there has been every one of forty thousand homicides in the Southern States since the war. Taking Texas, Kentucky, and South Carolina as average States, and the year 1878 as an average year, the number is fully fifty thousand.

The homicides in these three States in the year 1878 present some amazing contrasts, and bring out the differences between the Southern and the Northern civilizations in vivid colors.

In Texas during the year there were more homicides than in the ten States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Michigan, and Minnesota, with an aggregate population of nearly if not quite seventeen millions.

In Kentucky that year there were more homicides than in the eight States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, and Minnesota, with an aggregate population of nearly ten millions.

In South Carolina that year there were more homicides than in the eight States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Michigan, and Minnesota, with an aggregate population of about six millions.

This shows a bad condition of things, and one that could and should be remedied. The excess of murder and manslaughter in the Southern States was not confined to the year 1878. It exists every year. But I selected that year because it is a fair, average period, and without unusual disturbances in any quarter, either political or communistic.

It may be asked, Why select Texas, Kentucky, and South Carolina for figures upon which to base an estimate? Because in each of these States there is published one newspaper covering local affairs in the entire State with a degree of thoroughness that enables at least an approximate collection of the homicides happening in these States for a given period. In the other Southern States an examina-

tion of the files of from three to five of the principal newspapers would be necessary to collect accounts of all the homicides in those States for a given period, and even then the result would be doubtful. But in each of these three States named there is one newspaper which has departments of local State news, well kept up year after year, and not allowed to be greatly interfered with by "pressure of other matter." Even these papers often miss homicides,—that is, there are cases in their respective States of which no mention happens to be made in their columns,—but probably the number missed is not above ten or fifteen per cent. of the whole. In these and other Southern States, I have been unable to find any record of homicides except in newspapers. Another reason for selecting these three States is because they are widely separated, inhabited by the same general class of population as the other ex-slave States, and, all three taken together, can reasonably be supposed to give an approximately fair average. The population of these three States is about half a million less than that of the New England States. At the same rate of slaughter there would be in New England over nine hundred homicides annually. There has not been as many in the past eighteen years. In other words, the population of these three Southern States kill one another at a rate about eighteen hundred per cent. greater than do the population of New England. In New England it is comparatively easy to collect the number of homicides for a given period from official documents,

and details of each case can be had from newspaper files. There is hardly a murder in any New England State that escapes the columns of the Springfield (Massachusetts) *Republican*, and certainly from three or four leading papers all can be collected. The average in all the six New England States is about fifty annually among about four millions of population.

In the three Southern States named, allowing that a small per cent. of those dangerously wounded died of their wounds, we find over eight hundred homicides in one year. Fearful as this aggregate is, it probably falls short of the truth, taking one year with another. In a single month I have known twenty-six Kentucky homicides to be reported in the *Courier-Journal*, and two others not reported, making twenty-eight, or at the rate of three hundred and thirty-six per annum. Massachusetts, with a much larger population, has not so many in a year as often happens in Kentucky in thirty days. The year I selected for comparison, 1878, there were two hundred and nineteen homicides reported in Kentucky, and the number in Massachusetts was twenty, with a population about one hundred and forty thousand in excess of that of Kentucky.

In many of the Northern States it is quite easy to collect the number of homicides, either from a carefully-kept annual registration report, such as that of Massachusetts, Vermont, and Rhode Island, or from the sworn returns of clerks of courts, as in Pennsylvania, giving each year the number of indictments for murder and manslaughter in the several counties.

The registration report of Massachusetts extends back nearly forty years, and is very complete. The number of homicides for any year can be ascertained, also the average for a number of years. The annual average in Massachusetts for twelve years is twenty-three among a population of over sixteen hundred thousand. But this will be treated of more in detail under the appropriate head.

There is so much that is lovable in the Southern character,—generosity, geniality, frankness, hospitality, loyalty to friends, and courage in the highest degree,—that it is doubly painful to see such manliness marred by these frequent and unnecessary murders. There is in the South precisely the condition of things which, in society properly organized and governed, would make murder exceedingly rare. The foreign element is very small. More than ninety-eight per cent. of the Southern population are native-born Americans. The pursuits of the people are mainly agricultural; there are no large interests continually clashing, as in the mining and manufacturing centres of the North. The population is relatively sparse; there is room for all, and certainly murder should not be more frequent among an equal number of people than in the rural portions of New England. New Hampshire and Vermont resemble the Southern section in some degree in this, that the occupations of the people are largely agricultural, the foreign element comparatively small, and there are no great cities and mining and manufacturing centres with attendant clashings of classes and interests.

Murder in Kentucky, for instance, should not be more frequent than among an equal number of people in New Hampshire and Vermont. Reduced to the average rate which prevails in these States, there should not be over seven or eight homicides annually in Kentucky. There are many years when there has not been a homicide in Vermont. But averaging several years together, calculating for difference in number of people, an average of seven or eight annually in Kentucky would be a fair estimate. I mention these States because of the similarity of the general pursuits of the population, agricultural, and the absence of great cities and immense mining and manufacturing interests with the foreign population usually found in such centres. In Massachusetts, for instance, from one-third to one-half the homicides are in Suffolk County, where Boston is situated. Outside of that county the number is less than one annually to every one hundred thousand population.

But as to Kentucky and Vermont, can a rational reason be given why murder and manslaughter should be from twenty to thirty times more frequent among an equal population in one State than in the other? Is it climate? No climate has power over passion like this! Is it diet? Is it the greater consumption of intoxicating liquors in Kentucky? Is it the virus of slavery which poisoned the foundation of society in Kentucky, while freedom builded better in Vermont? Is life dearer to a citizen of Vermont than it is to a citizen of Kentucky? Does he love

his family and his property more, and prefer to abide with them till the natural end of his days rather than risk his life in a street-fight or a "personal difficulty" with deadly weapons, the result of which may be the orphanage of his neighbor's children or his own? Is there a higher sense of personal honor in Kentucky than in Vermont which leads to this enormous disproportion in the rate of homicide? If so, does this superior standard of personal honor bring adequate compensation to the orphans and the widows of those slain in combat, or to society? Do the bereaved family, standing over the grave of the freshly slain, find their grief assuaged and their tears dried by the reflection that the husband and father fell in a street-fight defending his right to be called a gentleman?

It is the "personal difficulties" with deadly weapons, street-fights, and affrays in the Southern States that swell the number of homicides out of all proportion to the number in a corresponding population elsewhere. Take the three Southern States named for the year 1878, or any other year, collect all the accounts of "personal difficulties," bar-room affrays, and street-fights with deadly weapons, and it will be learned that there are *at least* forty such affrays to every one that can be found in all New England among an equal population. The result is an enormous preponderance of man-slaying in the Southern States, a preponderance that has ever existed, and that will continue to exist until the tone of the population in this matter is elevated and improved. In the old State of South Carolina, with a civilization

dating back a century and a half, there are more than twice as many men killed annually by their fellow-men than in all the six New England States with four millions of inhabitants! Omitting the year 1876, when there was great political excitement in South Carolina, and several riots growing out of this condition, thus swelling the number of homicides far above the average number,—omitting that year, and taking the years 1877 and 1878, when there were no internal disturbances as in 1876, what do we find? We find the number of homicides in these two years almost, if not quite, equal to the average number in all the six New England States in *five years!* But dropping the other New England States and comparing only with Massachusetts, of which we have authentic record of the number of homicides for many years, we find as many homicides in two years in South Carolina, with less than half the population of Massachusetts, than in the latter State in ten average years! But these facts will be treated more in detail in another place.

There is nothing that so distinguishes the Southern civilization from the Northern as this one matter of homicide. Murder there is everywhere, but the fact that it is so very much more frequent in the Southern States than elsewhere should put the Southern people upon inquiry as to the cause and the remedy. To do this is the object of this book.

Contrast the old civilization of South Carolina with the old civilization of Massachusetts, and we find the crime of man-slaying at least twelve times more fre-



quent in the former State than in the latter, compared to population. Contrast Michigan with Kentucky, and we find homicide at least six times more frequent in the latter than in the former State, measured by relative population. Contrast Minnesota with Texas, both comparatively new States, the one settled largely by people from the old slave States and the other by people from the old free States, and we find homicide twelve to fifteen times more frequent among an equal population in Texas than in Minnesota. Both are comparatively new States, and the contrast between them is as striking as the contrast between Massachusetts and South Carolina, two representative older States.

In Texas in the year 1878, as I have stated, there were more murders and manslaughters than that year in ten Northern States with some sixteen millions of population. If this is the way a comparatively new State starts out, what are we to expect of her with increased population and years? Is there any reason why murder and manslaughter should be so very much more frequent in this typical State of the new Southwest than in the new and typical States of the Northwest? But is it more strange than that murder and manslaughter should be twelve or thirteen times more frequent in the old State of South Carolina than in the old State of Massachusetts? Have we not here two civilizations? If not, why should there be this condition of things with reference to the highest of human crimes? And why should there be such striking similarity between the

types of homicide in South Carolina and in Texas ? They are all of the same general pattern, mainly "personal difficulties," affrays, and street-fights with deadly weapons, as I will show in other chapters. Take accounts of say twelve "personal difficulties" with deadly weapons in Georgia or South Carolina, and contrast them with twelve "personal difficulties" in Texas, and they vary only in minute detail. They are all cut from the same cloth and the outgrowth of the same peculiar civilization.

## CHAPTER II.

### HOMICIDE IN OHIO.

IN Ohio the system of records of homicides from coroners' inquests is very complete, and extends back many years. From these records, carefully compiled annually, we learn the number of homicides in Ohio for a series of years, and also the number in each county for a given time. An inquest on the spot at the time of the killing and the verdict made up from the testimony of those most familiar with the circumstances, would naturally be correct in the great majority of cases. In Ohio each county has a coroner, but in his absence any justice of the peace may act, and there is a justice to every district. In this way the whole field is covered, and it is next to impossible to find an instance of a homicide in Ohio without a coroner's inquest. Reports of these inquests are returned annually to the Secretary of State and published with his report. It is not difficult, therefore, to ascertain the number of homicides in Ohio for a given period. I have them for twenty years. The annual average for twenty years is 78. That these figures are approximately accurate we know by comparing them with the number of indictments and prosecutions for murder in the first and second degree and for manslaughter in all the

courts, which are returned by another set of officers. I have the number of these prosecutions in Ohio for five years, beginning July 1, 1866, and ending July 1, 1872, omitting 1870, which I have not been able to procure. In these five years (a fair, average period, certainly) there were 421 homicides reported in Ohio by coroners and justices of the peace acting as coroners,—a yearly average of more than 84 and less than 85. During the same time, as we learn from the record of criminal prosecutions returned by sworn officers, there were in all the courts of the State 371 indictments and prosecutions for murder and manslaughter,—a yearly average of less than 75 and more than 74. This is 10 less annually than the number of homicides returned by the coroners and justices of the peace acting as coroners. These two sets of figures, however, prove each other, the average of ten homicides returned annually by one set of officers above the number of prosecutions returned by another set of officers being probably the average number that were accidental homicides, or so clearly justifiable that no prosecution was made. With these two sets of figures before us we can arrive at the average annual number of homicides in Ohio with a good deal of certainty. Taking a series of years together the average number is not far from 80. The effect of a commotion or disturbance like the labor and railroad “strikes” in the summer of 1877 is plainly seen in the increased number of homicides. The number returned for the year ending July 1, 1878 (covering the period of the mem-

orable "strikes") is the largest of any year, reaching a total of 116. The year previous the number was 101, and the year before that there were 76.

Nearly one-sixth of all homicides in Ohio happen in Hamilton County, where the largest city, Cincinnati, is situated. The per cent. of homicides to population in this county is greater than in the State at large. On the other hand, the very lowest per cent. of homicide to population is found where those who have investigated such subjects would expect to find it,—in the agricultural counties of the Western Reserve, settled very largely, in fact almost entirely, from New England and New York. The law-abiding character of the New England population, their abhorrence of murder in all its forms, has a most striking illustration in the agricultural counties of the Western Reserve of Ohio, settled originally from New England, and to this day sometimes called "the New England corner of Ohio." Well it may be! It has in a striking manner the New England characteristics of a very high average of intelligence and a very low average of crime. In these Western Reserve counties (excepting Cuyahoga, which has a large foreign population) the homicide rate to population is the lowest of any cluster of counties in Ohio. Could the number of homicides in the entire State be reduced to the per cent. that prevails in the counties of Ashtabula, Lorain, Portage, Summit, Geauga, Lake, and Medina, taking a series of years together, there would be less than forty annually among the three millions of Ohio population!

In these seven counties in Northern Ohio, settled so largely from New England, we find a rate of homicide that does not exceed one annually to every one hundred thousand population. Indeed, the population of these counties have adopted the law-abiding habits of the land from whence they and their fathers came, with such loyalty to precedent that we find the homicide rate among them reduced to almost exactly what it is in New England.

It has been claimed for General Garfield's Congressional district in Northern Ohio that among its people is a higher average grade of intelligence than is found in any other district of equal population; that is, that the per cent. of illiteracy is lower. This is, no doubt, true. There is certainly much in the inspection of the criminal statistics of some of these counties which confirms it. With a high grade of general intelligence there is also a marked respect for human life, which manifests itself in a very low homicide rate, as well as a proportionate infrequency of all crime against the person. This of itself indicates a high degree of civilization. While the want of intelligence is not always the cause of crime, yet it is a fact that crime often reaches its maximum where the general grade of intelligence is lowest. There are, outside of New England and New York, no clusters of counties where the average intelligence (as indicated by the absence of illiteracy) is higher than the seven counties referred to in Northern Ohio. It is also true that there are few clusters of counties outside of New England and New York of equal

population where homicide is as rare as in these counties. There are such counties, to be sure, where there are equally few homicides, but to find a number adjacent to one another would be a task of some difficulty. In this we have very strong evidence of the efficacy of intelligence in the prevention of crime, particularly of crime against the person. In three of these counties, with an aggregate population of over sixty thousand, there were but two homicides in five years. This is very near the New England average. An inspection of the returns for a number of years shows homicide to be very much more frequent in the southern counties of Ohio than in the northern. Draw a line through the State east and west, so as to divide the population equally, and a very much larger number of homicides will be found south of this line than north of it. There are more homicides, in proportion to population, in the counties bordering upon the Ohio River than in those bordering upon Lake Erie. Was the per cent. of murder to population as low all over the State as in the Western Reserve counties, taking a series of years together, the annual average in Ohio would be only about half what it is. In Indiana and Illinois we also find murder and manslaughter much more frequent, in proportion to population, in the southern than in the northern portions of these States, and from much the same causes as in Ohio. This will be referred to more in detail in another place.

## CHAPTER III.

### HOMICIDE IN MASSACHUSETTS.

MASSACHUSETTS has a complete system of registration, giving the cause of all deaths in that Commonwealth and publishing the statistics annually with other public documents. Hers is one of the most complete systems of registration of any State, and its general correctness has been tested by forty years of experience. All marriages, births, and deaths are recorded and returned to the Capitol by sworn officers, and there compiled and published as the law directs. These vital statistics are published under the designation of registration reports, having numbers corresponding with the years of publication. From these reports the numbers of homicides in Massachusetts can be collected for any year, or series of years. Those who doubt their correctness can easily satisfy themselves. If the number of homicides for a year are reported at a certain figure, a file of daily papers, which covers the news of the State very completely, will test the matter. Every test that I have applied has shown these statistics to be correct. For instance, the number of homicides returned as having been committed in Suffolk County (Boston) for the four years ending December 31, 1878, are 48. Turning to the Report of the Board



of Police Commissioners, 1879, page 16, we find the murders in Boston for the four years, 1875, 1876, 1877, and 1878, to have been 43. The registration report gives them for the county at 48. The difference is easily explained, as the city police do not have jurisdiction over the entire county, and the difference probably represents the number of murders in the county but outside the city. Besides, the registration reports include all cases of accidental homicides.

The total homicides in Massachusetts during the four years mentioned were 87, an average of not quite 22 annually. Outside of Suffolk County, with Boston and its very large foreign population, there were but 39 homicides during these four years among a population of over 1,250,000. The annual average was less than 10, making the number of homicides among the people of Massachusetts outside of Boston less than 1 annually to 125,000 population.

In Bristol County, with a population of about 110,000, there was but 1 homicide in four years. In Barnstable County, with about 35,000 population, there was also 1 in four years. In Essex County, with about 230,000 population, there were 6 homicides in four years. In Hampton County, with a population of about 90,000, there were but 2 homicides in four years. In Middlesex County, with over 300,000 population, there were but 8 homicides in four years. This county contains the largest foreign-born population of any county in the State except Suffolk. In Hampden County, with about 100,000

population, there were 3 homicides in four years. In Norfolk County, with over 100,000 population, there was the same number. In Worcester County, with over 200,000 population, there were 6 homicides in four years. In Plymouth County, with 70,000 population, there was not a homicide in four years. In 1877 there were counties containing over 350,000 population without a homicide during the year. The same is true of 1878. Indeed, several counties aggregating nearly half a million of population had none for that year.

Compare Massachusetts with South Carolina. The comparison is fair, for they are both old civilizations. In South Carolina in 1878 there were 115 homicides, with a population not one-half that of Massachusetts. If the murder rate in Massachusetts was as high as in South Carolina, there would have been over 230 in 1878 instead of 20. Take the county of Suffolk (containing Boston) out of the calculation, and comparing only the more rural districts of Massachusetts with South Carolina, and we find a murder rate in the latter State more than twenty times greater than in the former! But including Suffolk County, with its teeming foreign population, from which a majority of the homicides arise, and still the number of murders in South Carolina is more than twelve times greater than among an equal number of people in Massachusetts. Take out the murders by foreigners in Massachusetts, include only those committed by native Americans, and apply the same rule to South Carolina, and it will be found that homicide in the

latter State is twenty or thirty times more frequent than in the former. Who can explain why this should be so? What invisible demon is it that incites the people in South Carolina to shoot and stab one another at so enormously disproportionate a rate compared with the native-born citizens of Massachusetts? In the single county of Edgefield, South Carolina, in 1878 there were as many homicides as in all Massachusetts, outside of Suffolk County, with a million and a quarter of population! In a single street-fight in Edgefield County that year three men were shot dead, and a fourth mortally wounded. These street-fights with deadly weapons swell the homicide rate not only in South Carolina, but in all the Southern States. Such affrays, where citizens stand out in the public streets and shoot at one another, are almost absolutely unknown in Massachusetts. Men guilty of this crime are not allowed to go at large in that State. In the Southern States, in these street-fights the dead are buried, and the living reload their pistols for fear of another "difficulty" with the friends and relatives of the deceased, and are allowed to go at large "on bail" until trial. When tried they are usually acquitted on the ground of "self-defence," for, forsooth, the other party was shooting at them. But this is a subject I shall consider more in detail further along.

The following is the number of homicides in Massachusetts for twelve years, as collected from the annual registration reports of that State, and includes accidental homicides:

Year.	No.	Year.	No.
1867 . . . . .	15	1873 . . . . .	26
1868 . . . . .	16	1874 . . . . .	26
1869 . . . . .	25	1875 . . . . .	23
1870 . . . . .	29	1876 . . . . .	24
1871 . . . . .	25	1877 . . . . .	20
1872 . . . . .	27	1878 . . . . .	20

This is a yearly average of 23 in a State with over a million and a half of population.

Taking a period of five years from and after 1856, and we find that the greatest number in one year was 27, and the lowest 18. The total in five years was 101, a fraction over an average of 20 annually. For the five years ending with 1878 the total was 113, an annual average of less than 23. The per cent. of increase, however, for the five years ending with 1878 over the five years ending with 1861 is much less than the per cent. of increase of population during the same time. We find, therefore, taking a series of years together, that the per cent. of homicide to population is decreasing.\*

The population of Massachusetts by the State census of 1875 is given at 1,651,912. Southern men may doubt that this number of people can live together a year with only twenty homicides, and that, too, under circumstances more favorable to homicide than exist in Kentucky, for instance. The population of Kentucky is about one hundred and fifty thousand less than that of Massachusetts, and the Kentuckians have five times

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\* The number of homicides in Massachusetts since 1856 can be found on page 114, thirty-seventh Massachusetts Registration Report.

as many square miles of territory. There is more "elbow room," very much less foreign population, and no such clashing of classes and interests as in Massachusetts. Compared with Massachusetts, Kentucky is rural, with room enough for all. Indeed, we have in Kentucky precisely the natural conditions that in Massachusetts decrease murder instead of increasing it. Take the agricultural counties of Massachusetts and the agricultural counties in Kentucky, and with much the same natural conditions in Kentucky we find about thirty men killed by their fellow-men where there is one killed in Massachusetts. Remove all the cities out of Kentucky and the total annual number of homicides would be reduced but a small per cent., for it is not the cities which swell to such fearful proportions the aggregate of homicides in that State. Remove the largest city—Boston—out of Massachusetts, and there would not be in the rest of the State an average of more than ten or twelve homicides annually. In the year 1878 there were but seven homicides in Massachusetts outside of Suffolk County. That year, in Kentucky, there were two hundred and nineteen homicides reported in the *Louisville Courier-Journal*, and, allowing that a small per cent. of the dangerously wounded afterwards died of their wounds, the number is swelled to about two hundred and fifty.

In the Southern States the highest rate of homicide to population is in the country. In the Northern States precisely the contrary is true,—the greatest number is in the cities.

At the close of 1878 there were seven hundred and fifty-seven convicts in the Massachusetts State Prison, and nearly one-half, or three hundred and sixty-four, were from Boston. Yet the population of Boston is only about one-fifth that of the State.

As might be supposed, the dockets of Massachusetts courts are not burdened with murder cases. Indeed, the court records, like the police records of Boston, confirm the general correctness of the registration reports as to murder and manslaughter. For instance, during the year ending January 15, 1879, there were but one murder and two manslaughter cases pending in the Supreme Court, as we learn from the Attorney-General's report for that year. During the year ending January 21, 1880, there were also but one murder and two manslaughter cases pending in the Supreme Court. In these two years, therefore, there were but six murder and manslaughter cases before the Supreme Court, and but one case of assault with intent to kill.

Of course the fact that there were but six murder and manslaughter cases pending in the Supreme Court in two years is not evidence as to the number of crimes of this character committed, but it shows that the number of cases in the courts is but small, as the Supreme Court docket is, to a certain extent, a reflex of the lower court dockets. More than one-third of all the criminal cases pending related to the unlawful sale of liquor. Also, during the year 1878, but one man was received into the penitentiary convicted of murder in the first degree. Of

the seven hundred and fifty-seven convicts, embracing the accumulation of many years, but nine are charged with murder in the first degree.

An inspection of the criminal records of Massachusetts shows in a striking manner the difference in the treatment of murderers there and the treatment of the same class of criminals in the Southern States. In the South, for instance, two men get into a fight, or have a "difficulty," as it is called, and one kills the other. In nine cases out of ten the murderer is acquitted. Indeed, I have known cases where the defendant was the aggressor, commenced the fight, and killed his victim, and yet was acquitted! I will refer to this more at length in another place, as one of the reasons why murder and manslaughter are so very frequent in the Southern States. In Massachusetts, and, indeed, all New England for that matter, where two men have a "difficulty" and one kills the other, the survivor rarely gets less than twenty years in the penitentiary, and is usually incarcerated for life. Probably this is one reason why we find murder and manslaughter so very much more frequent in Kentucky, for instance, than in Massachusetts. If, in Kentucky, when two men engage in a "difficulty," and one kills the other, the survivor were promptly sent to the penitentiary for twenty or thirty years, or for life, it would have a tendency to check the murder and manslaughter rate in that State. And this is true of all the Southern States.

The number of "personal difficulties" resulting in death are very few in Massachusetts compared to

any Southern State. There are, indeed, single counties in the Southern States where more men are murdered in a single year than in all Massachusetts, with a million and a half of population. And the difference in treatment of murderers is as striking as the disproportion in number. In Berkshire County, Massachusetts, in April, 1879, two men, Daily and Spellman, had a "difficulty" of the Southern type, except that no deadly weapons were used. In the fight Daily kicked Spellman to death. The attorney-general says "the killing was the result of a quarrel, in which no premeditation of injury to Spellman was apparent." Yet Daily was sentenced to the penitentiary for life. Another case that year was somewhat similar. Two men, Montgomery and Ellis, were drinking together. They quarrelled and fought, and Montgomery killed Ellis. The attorney-general says "there was no evidence of previous ill will or deliberate premeditation." Result, Montgomery was sentenced to the penitentiary for life. Another Massachusetts murderer, Callahan by name, who shot and killed a man, Southern style, was also sent to the penitentiary for life. Here are three cases in Massachusetts in one year, and each distinctively of the Southern type, and in every instance the murderer was sent to State's prison for life. This is wholesome.

Such an administration of law in the Southern States would decrease the number of manslaughters there growing out of "personal difficulties," affrays, and street-fights, for it is from these that a great



majority of the homicides arise. If those engaged in deadly "difficulties" and street-fights had reasonable assurances that if they survived they would get into the penitentiary for twenty or thirty years, or for life, there would be less of this barbarism, and a decrease in the number killed.

## CHAPTER IV.

### HOMICIDE IN KENTUCKY.

IN 1835, Bishop Smith, of Kentucky, collected some statistics as to murder and manslaughter in that State, with the result that he found the number of homicides to be about one hundred annually. He says the number of "unpunished homicides" reached that number each year. The population of the State at that time was a little less than one-half what it is now. Therefore, provided the condition of society had not improved with respect to taking human life, the number of homicides in Kentucky would now reach a little over two hundred annually. And this is about the number we find, indicating no improvement whatever, after a forty-five years' contest between the courts and the men-slayers.

Some time ago my attention was directed to the number of homicides not only in Kentucky, but in the other late slave States, growing out of the frequency of bar-room affrays, street-fights, and "personal difficulties," in which deadly weapons were used. In passing through Kentucky on horseback a few years since, I collected in several counties accounts of deadly affrays between citizens, which seemed to be as ridiculous and unnecessary as any I had heard of in other Southern States. Stopping

in any neighborhood and engaging with the residents in conversation upon this subject, it was easy to get accounts of stabbing and shooting affrays and bar-room rows between two or more men, often resulting in a homicide. Investigation and the collection of such statistics as were attainable bearing upon this subject, convinced me that numerous as "personal difficulties" with deadly weapons were in Kentucky, they were not more numerous than in many of the late slave States among an equal population. Both in character and frequency these personal difficulties and street-fights, in which deadly weapons are used, bear a close resemblance to one another in all the Southern States. The news columns of the Louisville *Courier-Journal* afforded facilities for the collection of the number of homicides in Kentucky not given by a single paper in other Southern States, with two or three exceptions. But I found that the news columns of this paper, complete as they appeared to be, did not give all of the Kentucky homicides. Occasionally there was a homicide in that State without mention of it in the *Courier-Journal*. But the exceptions are probably not over ten or twelve per cent. of the whole number. That is, a file of this paper, say for any year of the past five, will give a pretty good indication of the number of homicides in Kentucky for that year. Ten or fifteen per cent. added for omissions will probably cover them all. I have not been able to find a published account of coroners' inquests, or, in fact, any statistics to get at the number of homicides except as indi-

cated. To collect from the local accounts of newspapers is tedious but accurate, for certainly the number is not overstated. When we read in a local paper that on a given day, at a given place, Jones had a "difficulty" with Robinson, and shot and killed him, and details are given, it is good evidence that such an affray occurred, and that Robinson was shot as stated.

From the columns of the *Courier-Journal* for 1878 I collected accounts of 219 homicides, and 217 persons wounded more or less severely, a considerable portion of the latter growing out of the "difficulties," street-fights, and affrays, in which the most of the homicides occurred. Many of those wounded were reported dangerously so, and undoubtedly a small per cent. afterwards died of their wounds, but how many we have no means of knowing. Allowing that fifteen per cent. died, and this is certainly a low estimate, it swells the total homicides to 251. Undoubtedly this is an under- rather than an over-statement, for among so many wounded, mostly by shot and stab, it would be strange if not over fifteen per cent. afterwards died from these wounds. On the other hand, a few reported as mortally wounded and dying may have afterwards got well. Where the contrary could not be learned, those reported mortally wounded were classed as homicides. In a few instances this may have been erroneous.

As to the severely wounded during the year, so far as collected, 80 were stabbed, 101 shot, and 36 injured by other instruments of warfare. This makes a total

casualty list of 436, which in a few years' time, at the same rate, would swell to the dimensions of the killed and wounded in a general engagement. But these figures, large as they appear, fall very far short of the truth. In Louisville alone for the year under consideration (1878) the police records show 133 arrests for "cutting with intent to kill." The population of Louisville is about one-twelfth that of the State. If cutting and stabbing was as frequent over the State as in Louisville, the number of people wounded by the knife alone during the year would be nearly 1600. This in itself shows the impossibility of collecting from newspaper accounts alone anything like the aggregate of crime against the person. For the year 1877 the police in Louisville made 107 arrests for cutting and stabbing. For the eleven months ending November 30, 1879, they made 132 arrests for cutting and stabbing (*Courier-Journal*, January 1, 1880). Add 13 similar cases for the month of January, and it makes a total of 145 cuttings and stabbings in twelve months, or an aggregate of 385 in these three years. Apply the same rate to the State at large, and it would give over 4500 persons stabbed and cut in Kentucky in three years. Add to this the shooting, and is it strange that we are able to find accounts of over 200 homicides in one year? In the accounts I was able to collect from newspapers there were more persons wounded by shots than by stabs, and more of the homicides were from shots than from stabs. A strictly accurate collection of every affray and "difficulty" in this State resulting

in death or wounding for one year would make a startling exhibit, and might lead to a correction of the "custom," for such it is. The penalties paid by the people of Kentucky for their code of personal combat is beyond computation.

The population of Louisville is about one-twelfth that of the State, and embracing a class of citizens of the highest intelligence who contribute nothing to the records of the police courts. Indeed, murder in Louisville is much less frequent than in the remainder of the State, according to relative population. But allowing that stabbing and cutting is no more prevalent in the rest of the State than in Louisville, what a large aggregate there must be if all could be gathered, like the list of wounded in a general engagement! But laying this aside, we will consider only the homicides. These give us an insight into the condition of society in Kentucky,—with respect to taking human life,—a condition so deplorable that often in sixty days there are more murders and manslaughters in this State than in all of the six New England States in one year, with four millions of population.

Passing the numerous accounts of homicides during January and the first half of February (1878), and simply aggregating them, we take up the issue of the *Courier-Journal* of February 16, and find an editorial bearing upon the question. "There were," says the editor, "not less than one hundred and fifty people murdered in Kentucky last year. The Lord only knows how many were stabbed and shot with-

out serious injury." This estimate is too low. That there were not less than one hundred and fifty persons murdered in Kentucky in 1877 is undoubtedly correct, but the total would probably reach two hundred or more if they could be accurately ascertained. The statement that the Lord only knows how many were stabbed and shot without being killed is quite correct, for there is no record kept of them in Kentucky.

In the issue of the *Courier-Journal* containing the editorial referred to there are accounts of several characteristic Kentucky homicides, as many, in fact, as the yearly average in Vermont and Rhode Island combined. At a dance in Carter County several parties got into a "difficulty," with the result that Iram Antis shot and killed James Sinley, and Jake Antis shot and seriously wounded William Anderson. Also a reference to the stabbing and killing of Ham. Shirly. Also an item from Shelby County stating that Reuben Dennis was taken from his own house at night and shot to death by unknown parties. Also an item from Mount Sterling, giving an account of the stabbing and mortally wounding of James Anderson with a bowie-knife. Mr. Anderson was disembowelled, and afterwards died. In the same affray W. Gay was wounded. Also a reference to the attempted assassination of Deputy-Sheriff Wickle, near Crab Orchard. Total, four killed, two wounded, and one attempted assassination.

All this in one issue of the paper, in which the

editor estimates the murders of the previous year at not less than one hundred and fifty.

The next issue contains an account of the shooting and mortal wounding of William Cooley by Oldham, in Fulton County. We are informed that this was Oldham's third recent "shooting scrape."

The next number has only an account of the finding of the body of a murdered man, which, however, turned out to be incorrect. The second issue after this gives an account of the shooting and mortal wounding of Ben. Myers by James Anderson. Also an account of the assassination of John Parker, a few days before, at Flemingsburg. Also reports an attempt of disguised men to lynch a man, who made fight, and wounded two of the would-be lynchers. The second number after this gives an account of the mortal wounding of J. W. Hicks by Joe Frazier, near Frankfort. The "difficulty," we are informed, was the result of an old "grudge." The same issue contains an account of a "difficulty" between Walter Vinson and Carroll Pepper, in which both were badly wounded, one quite dangerously. Also, in the same issue, is an account of the stabbing and disembowelling of a father by his son. "He was stabbed in six places so his bowels protruded."

Including the mortally wounded who afterwards died, here are nine homicides reported in six days. Also six persons wounded less severely, and one attempted assassination. These are more homicides reported in Kentucky in six days than happened in Vermont in eight years, from 1869 to 1876 inclu-



sive; more men reported killed by their fellow-men in different parts of Kentucky in six days than in eight consecutive years in Vermont. Yet the population of the two States is distinctively American, the foreign element being comparatively small. Also more men reported killed in Kentucky in six days than in all that year in Massachusetts, outside of Boston, among thirteen hundred thousand inhabitants. Following so closely upon the editorial declaration that there were not less than one hundred and fifty murders in Kentucky the year before, the facts are calculated to strengthen the belief that one hundred and fifty for the previous year was not only less, but very many less, than actually occurred.

Further along we learn that Amiss, who disembowelled his father with a knife, was admitted to fifteen hundred dollars bail. During the year two sons killed their fathers and a third was wounded by his son. Six men were killed by their brothers-in-law. Continuing our outline of murder in Kentucky in 1878, we find March ushered in by accounts of the terrible whipping of three men by a mob; a fight near Flemingsburg and a man shot; a street-fight in Stanford, in which one, Ely, was killed and four others, Grisham, Fay, Moore, and Ferrel, wounded. Five were engaged, three on one side and two brothers on the other. Pistols were used with success, for of the five engaged every one was hit. The "difficulty" grew out of the acquittal of one of the party who had previously killed a man connected with some of those engaged in the present affray. The

account says of the fight, "A large crowd was in the village at the time attending election of delegates to the Democratic convention." This was a typical Southern street-fight, although less deadly than is sometimes the case. In a street-fight in Richmond, Kentucky, a few years ago, four men were shot dead. A street-fight in Edgefield, South Carolina, was equally fatal. Also one at Junction City, Texas. Indeed, I can recount several that have resulted in triple and quadruple killings.

All these affrays are so similar that it seems useless to particularize. They vary only in detail and the number of killed and wounded. During the month, in addition to the killed and wounded, eleven men were taken out of their houses or from jail and beaten and whipped by mobs without a semblance of authority.

During April sixteen homicides were reported, by shooting, stabbing, and pounding. The effects of such frequent and deadly affrays are seen on the criminal dockets. The Glasgow (Kentucky) *Times*, latter part of April, says (quoted in *Courier-Journal*), "We heard from good authority last week that there were two thousand one hundred and ten criminal cases upon the dockets of the counties of this judicial district. In other words, there are enough men charged with breaking the law in the district to very nearly control the election, if they should band together for that purpose." Among the April murders and manslaughters were two men at what is called a "circus row" at Red Lick. Twenty shots were fired, two men killed, and two more badly wounded.

During May there are seventeen murders and man-slaughters reported, and many persons severely wounded by stabs and shots.

In an account of one of these murders the deceased is spoken of as dangerous when drunk, "as he was known to have killed several men," and that his slayer also had a record, having killed four men. In reference to a man missed and thought to have been assassinated, it is stated that "he was regarded as dangerous, as he had killed several men and wounded others." Among the assassinations was that of a man just returned from Texas, "where he is reported to have killed a man." During July twenty-one homicides were reported, and many persons wounded. In August the number was nearly equal to the aggregate in July.

Passing the ordinary homicides without mention, and only glancing at such as are types of a class, we have an account of still another fight between brothers-in-law, in which one is killed and another has an eye knocked out, the fifth man killed in Kentucky by his brothers-in-law during the year. A letter from Mount Sterling mentioning a street-fight says, "In the past ten years a dozen homicides, and twice that many rows in which pistols played prominent parts, have taken place *in this city alone*, not taking into account the county." Within a few weeks after writing thus there was still another street-fight in Mount Sterling, with two killed and several wounded. One of the killed was Marshal Young, a gentleman so estimable and so zealous in the attempt to pre-

serve order, that the citizens have reared a monument to his memory. This fight took place in the public streets, and was, indeed, a type of the ordinary street-fights with deadly weapons which are so common in the Southern States. Referring to the frequent homicides in and around Mount Sterling, a writer in the *Courier-Journal* says, "Let the Legislature make the carrying of concealed weapons a penitentiary offence. That is the only remedy."

Little killed Cockrell at Jackson, and, we are told, he had "on a former occasion" killed Cockrell's brother. Indeed, a large proportion of the homicides are connected in some way with previous homicides. Rarely is the murderer jailed. He is admitted to bail, and there are several instances where a man on bail for one murder killed another before his first trial was reached. In one instance two men, Neil and Gohart, had a "difficulty" at the house of the latter. They fought with knives, and Neil killed Gohart. Gohart's mother interceded to save her son, and Neil stabbed her to death. Another son was wounded, but not killed. Next day, we are informed, "*Neil was released on two thousand dollars bond,*" or *one thousand dollars* for each person he had killed.

An item of news from Madison County gives the number of persons murdered in that county in two weeks, and their names, as follows: "Milton Harlow, Martha Stewart, William Burnett, Hiram Boyce, Bob Collins, and Bob Sanders, and two others wounded." Here is a county of about twenty thousand population with as many murders in two weeks as ordinarily

happen in one of the smaller New England States in two or three years! Referring to these homicides, a Madison County paper makes this mathematical observation: "This year's killings have equalled last year's, and there are nine weeks yet to do more killing in!"

The *Richmond Register*, published in Madison County, said (December, 1878), "In the past two years forty-two persons in Madison County have lost their lives, and forty-three have been wounded by crime or assault." This quotation appears in the *Courier-Journal* of December 14. During the two years mentioned there were but forty homicides in the whole State of Massachusetts, with a population of about one million seven hundred thousand: actually less than in one Kentucky county with a population of about twenty thousand! Yet Massachusetts has a foreign-born population of nearly four hundred thousand, among whom occur half the homicides in that State, while Madison County has only about one hundred and fifty foreign-born citizens! In Massachusetts over a million and a half of people, one-fourth of whom are foreigners, and where there are great and clashing interests, live together two years with but forty homicides (page 59 of Thirty-seventh Massachusetts Registration Report), while in Madison County, Kentucky, among twenty thousand people, and less than one per cent. foreigners, there are forty-two homicides and forty-three persons wounded! In Massachusetts, among the American-born rural population (like that of

Madison County) the average rate of homicide is only about one annually to two hundred thousand people. Were homicide equally infrequent among the American-born citizens of Kentucky, there would be in Madison County an average of but one homicide every nine or ten years, and to reach forty-two would require four centuries of time to roll around!

With a condition of society like that of Massachusetts, with reference to the sanctity of human life, would the people of Madison County and of Kentucky be any the less happy? Ah, the anguish and woe unutterable that would be spared many households, from whence the husband and father has been taken suddenly, to fall uselessly and barbarously in a "personal difficulty"! But the woe does not stop with the slain and the bereaved. The man who survives these "difficulties" and is conscious of having slain his fellow-man, can he be happy when he thinks of the desolate home not far away, and the widow and the orphans he has made? Can he gather his own around him and be happy? God help that man! No matter if a jury of his "peers" (some of them peers in murder) have acquitted him (as they usually do), his conscience will often tell him that the "difficulty" he engaged in could have been avoided.

Among the numerous affrays where several were killed or wounded was one where three men were dangerously stabbed and another shot. Of one of the amiable parties engaged the local account says, "He had been in a vast number of shooting and cutting scrapes. He cut a defenceless negro boy with-

out provocation, and soon afterwards shot a crippled man." Yet, under the free and easy administration of justice in Kentucky, this desperado and murderer, like thousands of others, was allowed to run at large and continue his murderous work. In Grant County a young man named Turner "nearly cut Sam Judd's head off," and the account continues, "this is said to be his fourth victim in three years." He was probably admitted to bail.

In the numerous accounts of murders and shooting and stabbing by desperadoes who are stated to have previously committed like offences, I have been unable to learn the number necessary to be killed by a single desperado in Kentucky before his operations are abridged by anything stronger than a bail-bond. Bearing directly upon this matter is an item from the *Stanford Journal* (quoted in *Courier-Journal*), which says, speaking of recent homicides in Rock Castle County, "Two (homicides) in ten days is going it pretty lively, but it is the best way to get rid of them,"—meaning murderers. Such sentiments are to be expected where there is so much murder and so little punishment for it as in Kentucky and the other Southern States. If a murderer is finally got into jail (but a small per cent. ever see the inside of a jail), his friends often band together and take him out. A few days after the above item was written a band of fifteen or twenty masked and armed men visited the jail at Winchester, broke in and took away one Rutledge, charged with murder. Indeed, during the year under consideration there were be-

tween thirty and forty different "operations" by armed mobs, such as whipping and killing men, releasing prisoners, etc. In respect to mob operations, the condition of England in the fifteenth century was no worse than that of Kentucky at present.

During "Christmas week" in the South there are always an increased number of affrays. Men go to the smaller towns to have "an enjoyable time," many drink, and some fight, with the result that the number of homicides during the week is much greater than usual. In a despatch from Maysville to the *Courier-Journal*, December 27, it is said that "Christmas passed rather quietly, *with few casualties, and only one of a serious nature.* In an affray between John Suns and Wilson Miller *the former had his throat cut.*" At a Christmas affray at Crab Orchard "thirty or forty shots were fired" between the Myers and the Carson crowds, the weapons being pistols and shot-guns. In a letter from Letcher County, signed Dr. S. H. Breeding, he mentions a little holiday affray between ten persons, in which knives were principally used. Of the ten, nine were wounded, two thought to be mortally stabbed. These are samples of many. The Christmas affrays South are not different from the ordinary homicides, except that the number during the festal week is greater.

A despatch from Maysville, early in the year 1878, says, "Six murder cases come up for trial next term." The population of the county, Mason, is about nineteen thousand, or nearly one murder case to every three thousand people.



In Greenup County, we are informed, October 7, 1878, that there were one hundred and thirty cases on the criminal docket, seven for murder, "and four of these seven murders occurred within the last nine months." Population of Greenup, about twelve thousand.

On the docket of the Circuit Court in Barren County in December, 1878, there were two hundred and eighty-nine criminal cases, and of these seven were for murder. Population of that county is about eighteen thousand. At the same time there were two hundred and eighty-two criminal cases on the docket in Hart County, three of which were for murder. Population of that county, about fourteen thousand.

The Garrard County court records show that twenty-four men were killed in that county in the six years ending in 1879, all shot or stabbed except one, and he was hung by a mob. The population of the county is about eleven thousand. The Kennedy family seems to have done its share of this bloody work. J. H. Kennedy killed Arthur Woods, W. F. Kennedy killed Frank Johnston, E. D. Kennedy killed Wyatt Kennedy, Grove Kennedy killed E. D. Kennedy. Recently a Kennedy has been convicted for one of these homicides, and in a local account published in the newspapers we are told that "The Kennedy family is well connected and famous for its fighting qualities. E. D. Kennedy, murdered by Grove, killed two men; Grove killed two; Grove's brother, John H., killed two; another brother killed one; his brother-in-law killed a negro,

and was pardoned by Governor Blackburn; another brother-in-law attacked Sam Conn, and in the fight both were killed; Andy Kennedy and a half-brother, Henry Yeaky, were both killed in personal encounters; an illegitimate son of E. D. Kennedy also killed his man."

In and around Harrodsburg, Mercer County, there have been five affrays in sixteen years, in which two or more men were killed in each affray. This does not include the numerous "difficulties" in which but one was killed. The Thompson-Davies affray began in a crowded court-room, during the trial of a lawsuit, and continued until three men were killed on the spot and, I believe, others wounded. The families engaged were of the highest respectability.

In an account of an Owen County "difficulty," of the class which so swell the number of homicides in Kentucky and the South, we read that "Roberts threw off his coat and rushed at Abrams for a fight. They clinched, and while in a close hug Abrams drew a revolver, reached around and placed the muzzle near Roberts's ear, and fired. The ball glanced around and penetrated the spinal column of Roberts, causing him to fall like a shot beef. As he went down Abrams fired a second shot, which took effect in Roberts's body. Abrams walked away unmolested. Roberts was taken a mile below, near which point he resided, and was carried to his home in an insensible condition. Dr. Supey was called to his relief, and, after diagnosing the case, remarked, 'There is no use trying to save him. *He will have to go to the new*

*graveyard, where there are thirteen men buried, nine of whom were murdered.' "*

We often hear of localities so healthy that it is necessary to kill a man to start a graveyard, but here is a graveyard in Owen County containing a majority of murdered men!

In an item of news from a place appropriately called Hamlet (in North Carolina), it is mentioned that the little graveyard there contains the bodies of six murdered men.

In the Northern States, and particularly in the Middle and Eastern States, a very large proportion of the homicides are among foreign-born residents. But in the Southern States precisely the contrary is true. The foreign-born population is very small, and at least forty-nine out of fifty homicides are among native-born Americans. As to Kentucky, it is a singular fact that the foreign population do not go to many of the interior counties. Is it because the despotism of the pistol and the knife is more dreaded than the despotism of government in the Old World? According to the census of 1870 there are counties in Kentucky without a single foreign-born resident. Five had but one each. Breathitt, which is notorious for the outlawry of its inhabitants, had not a single foreign-born resident. Twenty-eight counties had less than ten each. Clay County, heretofore referred to, had eleven; Garrard had thirty-eight; Hart, eighty-one; Letcher, one; Owsley, three. Now, it is hardly necessary to surmise that if the laws were as thoroughly enforced against crime in Kentucky as

in the Eastern States and in England, this condition of things would not exist. In England and Wales, with twenty-six millions of population, with enormous mining and manufacturing interests, the annual number of murders and manslaughters is less than double the number in Kentucky, with a million and a quarter of agricultural population, with no great mining or manufacturing centres or large cities. Yorkshire County, England, contains over two and a half millions of population, or about double that of Kentucky. The annual average number of murders and manslaughters in Yorkshire is thirty-three. Kentucky, having half the population, should be able to get along with about sixteen annually. And were the laws enforced in Kentucky as effectively as in England, who will say that crime could not be diminished?

But to return to the Kentucky homicides for 1878. In collecting them, I took names and dates as near as possible, not for the purpose of transcribing here in detail, but for reference. I have also attempted to classify the homicides according to sex and color and relationship. But this cannot be done with accuracy, as in several instances the details were lacking. For instance, during the year 13 men were killed by mobs and unknown assassins. Classified by color, however, as near as possible, we find that 120 whites were killed by whites; 24 blacks killed by whites; 46 blacks killed by blacks; and 8 whites killed by blacks. This is not entirely accurate, for many are omitted for want of the necessary information.

In these homicides, as classified, we have a striking instance of the effect of enforcing the law. Out of over two hundred homicides for the year, only eight whites were killed by blacks. Why? Because, when a black man kills a white man the law is enforced with rigor. He is not permitted to escape on technicalities. He is not released on a straw-bond or any other bond. He is not released from jail at night by a clan of his friends. When taken out unlawfully it is by a mob of the murdered man's friends, who hang him. For a negro to be acquitted of the charge of killing a white man requires the most direct and positive proof either of innocence or that it was clearly a case of self-defence, when no other alternative was left but to kill. If the killing of whites by whites and blacks by blacks was reduced to as low a per cent. as the killing of whites by blacks, the homicide rate in Kentucky and the South would not reach such fearful proportions as now. It is the killing of whites by whites that swells the aggregate out of all proportion to that which prevails in well-governed communities. The killing of blacks by whites is probably much less than would be expected, considering the total that are carried away annually by the pistol and the knife. But of the twenty-four blacks killed by whites, the majority were murders of the most cruel and cold-blooded character. This is the case all over the South. The number of blacks killed by whites bears less proportion to the total murders than is generally supposed, except in times of great political excite-

ment, when there is a race issue and a "color line." At such times, in the Cotton States, there are very many more blacks killed than ordinarily. But when there is no political or race excitement, it will be found in all the Southern States that very many more whites are killed by whites than blacks killed by whites. The trouble with the blacks in the "border States" of the South (where political murders are unknown or very rare) is not the number of assaults upon them, but the liability of assault and murder to happen at any time with very slight provocation. In a county known to me two years passed without a single crime of magnitude against the persons of negroes by whites. Suddenly, and with very slight provocation, a white desperado shot a negro, and another killed two, and escaped. These murders were unavenged, and will remain so until meted out by Him who hath said, "Vengeance is mine; I will repay." With negroes there is always a sense of insecurity among armed and quarrelsome white men, and they keep out of the way when possible. But be as discreet as they may, numbers are shot down annually by white desperadoes, who "escape," if not by flight, then by the technicalities of the law, always invoked to the fullest extent in a white man's behalf. If these will not save him, then the next move is for his friends to break into jail and take him out. Be the murder as cold-blooded as it can, as unprovoked as it may, it is almost impossible, in the present condition of Southern feeling, to adequately punish a white man for killing a negro. There are

instances of such punishment, but they are rare. But the number killed by whites is less than generally supposed. For instance, one would hardly believe that four times as many whites were killed in Kentucky in a year by whites than blacks killed by whites, but it is undoubtedly true.

The greater number of "difficulties" in which men are slain are between whites, and the consequence is more white men than black men fall at the hands of white men, and as many or more blacks are killed by those of their own color as are killed by white men. This is true in ordinary years when there is no great political or race excitement, but, of course, is subject to variations, such as the race massacres in Mississippi in 1875, and in Louisiana for several years, and the political troubles in South Carolina in 1876.

In relation to the general subject of homicide among the white men of Kentucky, Bishop Smith, of that State, contributed an interesting article, published in the *New York World*, June 16, 1879. It was in the shape of an interview, and details the bishop's efforts in attempting to devise means to check the barbarism of personal combat. The article in question is as follows:

"Yes," said the venerable Bishop Smith, of Kentucky, senior prelate of the Episcopal Church in America, "it is a fact that my adopted State has a fearful history of unpunished murder. Every portion of her soil and every year of her history have been tarnished by these acts of mistaken chivalry

but real brutality. For many years before the war I was forced to become familiar with events which in this section would have raised a cry of righteous indignation, while there they were put down as justifiable homicides."

\* \* \* \* \*

"It is the system—for it was a system with a public feeling back of it—against which I would speak. It exists to-day as it did forty or more years ago, and there really seems little hope of making headway against it. I attempted it once, and the attempt brought me into contact with James Guthrie, who was Secretary of the Treasury under President Pierce, and one of the finest of Kentucky statesmen. Our meeting came about in this way. As bishop of Kentucky, in the course of six or seven years I had become somewhat acquainted with the greater number of the more populous counties, and having, during the ten or twelve previous years, been familiar with like portions of Massachusetts and Vermont, I was painfully impressed—indeed, I was absolutely shocked—by the great number of fatal tavern and street broils, resulting chiefly from each party being armed with concealed weapons, and still more shocked that so few of the survivors met with condign punishment,—for I had heard that during twenty years there had been but one man hung in Connecticut, and he the only one who had deserved it according to law. The number of unpunished homicides in Kentucky was dreadful. Poor as I was,—every letter costing then, in 1835, twenty-five cents postage,—



I addressed a letter to each county clerk asking him to inform me of the number of homicides in his county for each of the three preceding years. I received replies from only thirty-three counties. Making these the basis of a general estimate, it appeared that each year there had been one hundred unpunished homicides in the State! Armed with these documents and with a very strong feeling on the matter I sat down and wrote an earnest article, with which I proceeded to Frankfort, had it printed, and copies distributed to both houses of the Legislature. A few days afterward I applied to Senator Guthrie, who was then chairman of the Judiciary Committee of the House, for permission to appear before them on this question, which was cheerfully granted, and the day and hour were appointed. I was listened to very attentively for half an hour, when the chairman, turning to me very courteously, remarked, 'Why, bishop, you have made out a much worse case than we expected, bad as we well knew it to be. You appear before us, of course, to ask for further legislation on this painful subject: permit me to ask what you think of the criminal code of this Commonwealth?'

"A very excellent code indeed, only a little too severe perhaps in certain cases; better a milder code if only faithfully and impartially administered. Take, for example, a recent act of the Legislature of the State of Georgia on the subject immediately before us. As the Legislature considered it hopeless to attempt to pass a law against going armed, they

made it a penitentiary offence in the case of the survivor of a broil if it was found that he was armed beforehand for the feud or broil, and it is said that it proved quite a check to what was before only too common.'

"'But,' persisted the chairman, 'if the fault is not in the code, where does it lie?'

"'Oh,' I replied, 'no jury can anywhere be found who will bring in a verdict of guilty of anything worse than "done in a state of delirium," or in "self-defence," or in effect justifiable homicide!'

"'But,' continued the chairman, 'one would think that public sentiment would compel juries once in a while to do right?'

"'Yes, when a negro out of revenge kills a white man, or a man of the lowest class out of mere cussedness kills his wife; rarely in any other case.'

"'What, then, is to be done?' persisted the chairman. 'Who has the moulding, forming, and correcting of public opinion? Who but parents, teachers, editors, and above all the clergy? You come here asking for legislation. In my turn I appeal to the conductors of the press and to the clergy of every religious denomination to dwell on the value of a single life, the enormity of the crime of murder, and the duty of grand juries, of all juries in criminal cases, and of all judges and administrators of the law to do their duty without fear or favor.'

"I felt the ground surely but utterly slipping away from under me, and not an inch left for me to stand upon. Rising abruptly, making a profound

bow, I retired, exclaiming, 'Gentlemen, good-morning; I have not another word to say.'

"And thus it remains to this day."

\* \* \* \* \*

"Who supports the system?"

"All classes; men of family, of position, and of standing in the church, when they sit on juries, look at a case brought before them entirely from the stand-point of their early training. The law is recognized only as a shield to protect the prisoner from the consequences of the law, and time and time again I have seen the verdict of justifiable homicide brought in in cases which, by we of New England and the North, would be considered cold-blooded murder."

Those looking carefully into the history of crime against the person in Kentucky will find Bishop Smith's observations well sustained. But the remedy, as the bishop intimates, is not so much in laws as in enforcing the laws, and in creating a popular sentiment that will demand their enforcement. The education and improvement of public sentiment in this respect is largely the province of the pulpit and the press. A great and able journal like the *Louisville Courier-Journal* can do more towards the suppression of this murderous lawlessness not only in Kentucky but in the South than the well-directed work of half a dozen sessions of the Legislature. Legislatures can enact laws, but their adequate enforcement requires the sanction and the "backing" of popular sentiment. This is the key to the whole difficulty in the Southern States. Murder is not

regarded with sufficient horror, and the disposition is to be lenient with men-slayers. This must be corrected, and until it is the Southern States will have the distinction of protecting from punishment more murderers than any other civilized population on earth.

## CHAPTER V.

### HOMICIDE IN TEXAS.

FROM the columns of the *Galveston News* for 1878 I collected accounts of four hundred and one Texas homicides. Persons reported mortally wounded were classed as homicides. There were also one hundred and forty-eight persons severely or dangerously wounded. Many of these have undoubtedly since died of their wounds, which would increase the homicides for the year to considerably over four hundred. Allowing that fifteen per cent. of the severely wounded afterwards died of their wounds, the total number of homicides would be four hundred and twenty-three. That there were many more than this number of severely wounded we know, for the ratio is very small compared to the number killed. Besides, it bears but a very small proportion to the number arrested for assault with intent to kill, so far as we can learn.

I chose the year 1878, for I had collected the homicides in Kentucky and South Carolina, and by comparison, as much so as possible, with other years, found it a fair average period, with no unusual disturbances, political or otherwise, to swell the homicide rate. But I doubt if the columns of the *News* contain accounts or references to all the Texas

homicides. Allowing that ten per cent. of the killed and wounded missed mention in the *Galveston News*,—not an unreasonable supposition, for Texas is a very large State,—the number of homicides would be about four hundred and sixty-five. From four hundred and fifty to four hundred and seventy-five would probably be found to be the actual average number in Texas, if it were possible to collect and record every instance of homicide. This would give, in the fifteen years since the war, a total of nearly *seven thousand*. I believe that the aggregate has been as many. And this in a State which contained, in 1870, a population of eight hundred and eighteen thousand, or about one-fifth that of New York.

During the year, and included in this great aggregate of homicides, were forty-one assassinations! Actually more assassinations in Texas in one year than total homicides of all descriptions in Massachusetts in the years 1877 and 1878.

Many of these assassinations were of the utmost ferocity and cruelty. In the account of the assassination of George Heaton it is said that "he leaves a lovely young wife and child to mourn his untimely death." Another instance was the assassination of Dr. Grayson and his wife, in Anderson County. The doctor was called out at night and forty shots put into him, and his wife killed also. We are told that "they left several children, the oldest but nine." French Rainsville was taken from his house at night and shot to death, "leaving a wife and two children."

A man named Springer shot down his brother-in-law, and when the agonized wife ran to his dead body, killed her also. William Sims, Limestone County, was called to his door and shot dead. The local account says, "Mr. Sims is known as an old and respected citizen." A man named Albright was assassinated as he was driving home alone, near Crockett. The team, we are told, carried him home dead, stopping at the gate. Like nine-tenths of the assassinations in Texas, it was "done by parties unknown." A man named Gambrell was assassinated at his home at night. One Bland shared the same fate. A man named Cline was assassinated "while asleep in bed with his wife, to whom he had been married one month." A man named Lynch was taken from his house at night, shot and left for dead, his house fired, and his eight children killed and then burned. J. C. Killough was assassinated while riding in a buggy with his wife and child. The local account says, "As Captain Killough and his wife and little son were returning home from his farm yesterday evening he was suddenly assaulted, and shot and killed, nine buckshot entering his right side, coming out on the left side and bespattering his wife and child with blood. He leaves a wife and five children." The wife, in her statement, says, "I knew them (the assailants) well. One was R. J. Moore, my brother, another, W. B. Moore, my nephew, the third, J. D. Hunt, my sister's husband." It was a repetition of the old Southern story of the use of the shot-gun in the settlement of family feuds. The re-

porter of the *Galveston News*, writing from Brenham of this murder, says, "During my reportorial engagement with the *News* it has fallen to my lot to allude to as many as ten of these feuds, each of which has cost the life of one, *and some as many as ten lives*; yet none of the parties engaged therein seem satisfied, each man going about with one, two, and sometimes three huge six-shooters strapped to his horse or around his own body." Ten feuds, and some of them costing ten lives each! Promising condition of society this.

Another cold-blooded assassination was that of A. Shuchtruff, at Houston, who was called from his house at night and twelve shots put into his body, other shots narrowly missing his wife. "He leaves a wife and several children," we are told. About the same time there was a double assassination. A despatch from Waco says, "Sunday morning, before daylight, a party of masked men rode up to the house of John Stull and wakened the inmates. Rufus Smith and wife, who were new-comers, staying with Stull until they could build, rushed out of the house, *Smith carrying a baby. He was shot dead, and the baby and Mrs. Smith wounded.* As Stull ran out he was also shot down; *his wife escaped.* The murderers went to Smith, turned him over, thence to Stull, and, recognizing him, literally riddled him with buckshot." The murderers then went to the house of Stull's brother, and attempted to assassinate him, but failed. All this "by parties unknown."

The Chisholm massacre in Mississippi was not more



brutal than this, yet these assassinations are but two of the forty-one which took place in Texas in a single year in a total of over four hundred homicides! And these two brutal assassinations, so far as details are concerned, are dismissed in a thirty-line account.

Another of the numerous assassinations was that of T. S. Parton by his own brother, who fired from the bushes by the roadside, killing his brother as he was going to dinner, accompanied by his little boy. The explanation of this assassination is that it was "on account of business troubles."

Among double assassinations was that of Mart and Tom Howell, alleged murderers, in jail at Meridian. A mob broke into the jail, "and," in the language of the account, "riddled these men with buckshot as they lay in the cages." It was Sunday night, and we are further informed that "Rev. W. D. Weir was in the midst of a very eloquent sermon to a large congregation not far from the jail." Probably these murderers deserved death, but picture the demoralization of such an administration of vengeance!

Forty-one murders by assassination would be a large quota for a State with the population of Texas, even if there was not another homicide within her borders during the year. But we find that these forty-one assassinations were only about one-tenth of the total homicides; the remainder, amounting to about three hundred and sixty, were such as grew out of "personal difficulties," bar-room rows, affrays, street-fights, executions by mobs, and the like. The total aggregates more murders and manslaughters

during the year 1878 than occurred in the ten States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Michigan, and Minnesota, with an aggregate population of over fifteen millions! In other words, in the single State of Texas, with a population of about one-twelfth the aggregate in these ten States, there are more homicides in a year than in all these States combined. And in these ten States there are great cities, mining and manufacturing centres, millions of foreign-born citizens, and immense and clashing interests. What rational explanation is there why murder and manslaughter in Texas should be more frequent than in all these States combined? Indeed, in Texas, there is that condition of things which, in the North, reduces the murder rate, namely, an American-born agricultural population and plenty of room. Texas, however, is settled mainly from the older Southern States, and her condition with respect to value set upon human life is but a reflex of the state of society throughout the South, with the qualification that in Texas the natural lawlessness of the Southern section has freer sweep, and is less restrained by forms of law.

During the year there were a number of double, triple, and quadruple homicides in street-fights and affrays, but the larger proportion arose from "difficulties" between man and man, in which one was killed.

At a street-fight in Junction City four men were shot dead, and lay in their own blood near one

another. The weapons were needle-guns and pistols. Some of these men left families, and they were spoken of in the local account as good and useful citizens.

An illustration of the effect of the habit of carrying concealed weapons is seen in an item from Harrisburg, a small interior town: "As J. J. Ryan was going to dinner, T. J. Collins met him and asked him if he was armed. (The parties had had a misunderstanding.) Ryan said he was not. Collins told him to go and *get fixed*. Ryan proposed to fight then without arms. Collins replied *that they did not fight that way in Texas*. (True enough, and more's the pity.) Collins then shot and wounded Ryan."

Among the affrays in which three men were killed was one in Montague County. The local account says, "Tom Quillan and a man named Robers rode into town together." They were drinking, and met the Pollards, father and son. "A dispute arose between Robers and old man Pollard, *which led the former to draw a Winchester rifle on the latter*, but Pollard was too quick, and shot Robers dead with a revolver. Seeing Robers fall, Quillan shot Pollard through with a rifle. Young Pollard ran for a doctor, and Quillan mounted his horse to leave town. As he rode off he met Pollard returning with the doctor, and raised his rifle, sending a bullet crashing through the young man's brain."

A singular affray was that between two men, Tulley and Vancil, neighbors, *who quarrelled about*

*going to church*, drew their weapons, and shot each other dead. "Both leave families," we are informed in the local account. A somewhat similar affray was that between two young men, Ramsdale and Hays, who fell into a quarrel *when returning from a revival meeting*, fought with knives, and killed each other by repeated stabs. Here are two "difficulties," one about going to church and the other in returning from church, in which four men are killed! Strangely enough, in Kentucky, about the same time, two young men, named Hathaway and Gibson, were *going home from church* when they quarrelled the same way, and Gibson stabbed Hathaway to death. They were aged but seventeen or eighteen.

At Austin, the State capital, in four days, an unarmed white citizen was shot and killed, an unarmed German woman was shot and killed, and an unarmed colored man was shot and killed. An item from that city says, "This morning shots were heard at the river front, and the report spread that another man had been killed. It proved only to be duck-shooting, but the recent tragedies here create so much excitement that people are ready to hear and believe anything without surprise." And this under the very shadow of the Capitol of the State! More murders in Austin in a week than in one of the New England States in a year. And in the public streets of the capital two aldermen of the city meet, have "an altercation," and one stabs the other to death.

Here is a typical difficulty from Coleman County.

The local account says, "At King & Nathan's store in this county, Robert and Samuel Nathan, brothers, had some dealings with the two Barrett brothers, and *cousins of the Nathan boys*, and when the time came to settle up their business *a misunderstanding caused them to appeal to their Winchesters (rifles) and six-shooters for adjustment of matters.* Dick Barrett received two shots, and is said to be dangerously wounded. Sam Nathan was shot in the groin and is seriously hurt. The other two men escaped injury." This is a fine way to "adjust a misunderstanding."

There is an account of the killing of a man by one Tom Doran, who, it is stated, had previously killed two men. Shortly afterwards he killed Deputy-Sheriff Temple, his third victim (and all this time he had been allowed to run at large). Temple's father killed him, making effective work of the desperado, for he is stated to have "had two pistol-shot wounds in his body, was stabbed eleven times, and his throat cut from ear to ear."

Among other killings of people of some prominence was that of Captain Callan, who was shot down on the streets of Dallas.

I have hardly touched upon the individual affrays, where two become engaged in a "difficulty" and one falls. To give even five lines to each case would swell this book beyond the prescribed limits.

From Waller County, early in February, we learn that "five murder cases have been disposed of at the present session of the district court just closed, and

*all acquitted.*" This is a new county, with a small population. They start out well.

In Washington County the grand jury indictments for the January term (1878) include, murder, six; assault with intent to murder, five.

On the Lamar County criminal docket, April, 1878, there were thirty-eight cases, six for murder, and twelve for assault with intent to murder. This county, in 1870, had a population of about sixteen thousand.

In an item in the *News* in April it is stated "that of 450 arrests in Western Texas, 125 were accused of murder, and 3 convicted."

In the San Antonio jail, in January, "there were twelve men charged with murder." Usually in a Texas community more murderers are at large on bail than in jail.

In an item from Palestine, giving an account of the assassination of a man (June, 1878), it is stated "that there are now nine men in our jail charged with assassination."

In Dallas County, August 10, 1878, there were nine murder cases on the criminal docket. Population of the county thirty thousand.

The Marshall (Harrison County) *Herald* gives the number of arrests for murder by the sheriff of that county for 1877 as thirteen. Thirteen arrests for murder in a year in a county the population of which, in 1870, was thirteen thousand two hundred and forty-one. Almost an arrest for murder to each thousand of population. This is the county where the un-

armed actor, Porter, was assassinated by Currie some time afterwards, and Currie acquitted, as might naturally be expected. In a book published before the war I read not long ago that there were, in 1858, twenty-five widows living on Widow's Creek, in this county, each one of whom had lost her husband by murder. It may not be true, but is it unreasonable in the light of more recent facts? More arrests for murder in a year in a county containing (1870) thirteen thousand two hundred and forty-one population than the yearly average in Suffolk County, Massachusetts, with a population of over one-third of a million, and in which county nearly half the murders in Massachusetts are committed. At the rate of arrests for murder in Harrison County in 1877, there would be sixteen hundred arrests for that offence in Massachusetts. Do we wonder so much at the statement that there was, twenty-two years ago, a veritable Widow's Creek in that county, where there lived twenty-five widows of murdered men?

The report of the Galveston police for 1877, as published in the *Galveston News*, shows five arrests for murder and fifty-four arrests for assault with intent to murder. The population of Galveston in 1870 was about thirteen thousand. I have the arrests in Rochester, New York, covering the same period, and also covering the period of the railroad strikes, when there was unusual commotion and lawlessness. The population of Rochester was about eighty-five thousand. With at least four times the population of

Galveston, and during a period of unusual disturbance, there were but two arrests for manslaughter, and but six for assault with intent to kill. Had the assaults with intent to kill been as frequent as in Galveston, in proportion to population, the number of arrests for this would have been over two hundred !

These illustrations, showing the comparative excess of cutting and shooting in the Southern States, could be multiplied indefinitely.

Divided by color among the combatants, we find that the proportion in Texas in 1878 was not greatly different from that in Kentucky. In Kentucky, so far as we are able to learn, 120 homicides were committed by whites upon whites. In Texas 269 were of this class, and many others involved in doubt. In Kentucky, 46 blacks were killed by blacks. In Texas, for the same year, but 27 blacks were killed by blacks. In Kentucky, 8 whites were killed by blacks, and in Texas but 6. It will be noted in both States how very largely the killing of whites by whites predominates over all other classes of homicide.

The fact that of all the homicides in Texas in the year but six were committed by blacks upon whites is very significant. The reason is the same there as in Kentucky and other Southern States. When a negro kills a white man the law is enforced with all rigor, if the mobs, usually at hand upon such occasions, allow the law jurisdiction of the case at all. While in Texas but six blacks killed whites, during the same time fifty-three blacks were killed



by whites, so far as we are able to learn. Were the law enforced as rigorously against a white man for killing a black man as *vice versa* the disproportion would not be so great.

Among other curiosities of crime in Texas, we find that to be a peace-officer in that State is about as dangerous as to be a soldier in active service. During the year sixteen town marshals, sheriffs, and deputy-sheriffs were killed in the discharge of their duties. In one small town two deputy-sheriffs were killed within a few months of each other.

In family fights, that is, affrays among relatives, there were many killed. Ten men were killed by their brothers-in-law, making sixteen for the year in Texas and Kentucky. Four men were killed by their brothers, and a fifth was thought to be mortally wounded. Of women killed there were eleven. But in all Texas, with this fearful record of homicide, there were but three wife-murders reported, that is, wives killed by their husbands. The number of persons killed by mobs was eighteen, and the number killed by parties unknown was thirty-eight. The majority of these, however, were such as fell by assassination or were "executed" by mobs. In addition to the forty-one assassinated there were eighteen attempted assassinations.

Some of the assassinations appeared to be for no other reason than that the victim was a witness in a murder case, or had been efficient in having murderers arrested. In this way quiet, law-abiding citizens are often kept in terror, and dare not take active

steps in the suppression of lawlessness. In several instances, after a peculiarly atrocious murder or assassination, the citizens of the neighborhood would hold a meeting and denounce murder and lawlessness by appropriate resolutions and send a copy of them to the governor.

The population of the State of New York in 1870 was a little over five times that of Texas. If homicide were as frequent in New York as in Texas in proportion to population, there would be over two thousand murders and manslaughters annually, an average of over five daily, Sunday included. The annual average number of felonious homicides in New York, with its vast population and great, varied, and jarring interests, and its million or more of foreign population, is but little over one hundred. With some five times the population of Texas, they get along with one-fourth the homicides. But it may be said that New York is an old, long-settled State. This is true of the most of it. But Western New York, including the Buffalo and Rochester region, has not been settled over seventy years. And it happens that homicide is less frequent in the comparatively new counties in the western part of the State than in the city of New York! In the agricultural regions of the State homicide is not more frequent than in rural New England.

Were crime against the person as frequent in New York State as in Texas it would create a revolution in less than two years. If the State authorities were not sufficiently strong to protect life and preserve

order, the national government would be appealed to. Come what might, the citizens of New York would not submit to two thousand murders annually.

Texas is a magnificent State, capable of sustaining eight millions of population, and with great possibilities in the future. Her order-loving, law-abiding citizens are a majority, but they seem unable to assert themselves against the murderers. To be sure, Texas is a young State, but so are Iowa and Minnesota young States, and murder should not be more frequent in Texas than in these States of the new Northwest. Yet in the face of a rate of homicide in Texas not equalled elsewhere, how very few executions for murder there are! Occasionally a negro is hung, but among white men there are a hundred homicides to one hanging. Not only that, but murderers are allowed to go at large on bail pending trial. There are at all times more man-slayers in Texas at large than in confinement. For instance, the statistics collected with the census of 1870 show three hundred and twenty-three homicides in a year in Texas, and but seventy persons in prison for all offences!

Leaving the terrible record made in the year 1878—which I selected for comparison—and coming to a later period, we find much to confirm our impressions as to the extraordinary number of homicides in Texas. Recently at Austin, the capital, three men went to the house of a citizen and shot him to death in the presence of his wife and children. The excuse was that he had been accused of seduction, but the man

was killed, according to the local reports, without even knowing why he was killed. Speaking of this murder, a letter from Austin says, "The killing of McMillin by Eanes, under the shadow of the Capitol, has excited more interest and discussion than any of the last fourteen or fifteen homicides at Austin."

The writer adds, "a feeling of insecurity pervades the community." Well it may, in connection with the incidental reference to "the last fourteen or fifteen homicides in Austin." Measured by the average number among an equal population in Eastern States, there should not be in Austin more than two or three murders in a quarter of a century, or an average of one every eight years. Yet so very frequent is murder in the capital of Texas that "the last fourteen or fifteen homicides" are spoken of by comparison, as if there were special features of barbarity in the last one.

After hearing the testimony, the murderers in this instance were released on bail in the sum of five and four thousand dollars each! Speaking of this small sum compared with the enormity of the crime, the writer says of the justice who admitted them to bail, "Perhaps a residence here of near about thirty years, and familiarity with violence, blood-letting, and brutal exhibitions of deadly vengeance have unfitted his mind to take in the situation. The smallest provocation has been always sufficient excuse" (for taking human life).

No one can familiarize himself with the details of the so-called administration of justice in Texas without coming to the belief that not one murderer in

ten in that State ever sees the inside of a jail. The usual course is to admit to bail, and then acquit on the ground of "self-defence," or "great provocation," or possibly "insanity," as in the case of the Currie who killed Porter.

Among the hundreds of homicides in 1878 was one of peculiar brutality,—the assassination of an unarmed woman, an actress, who was shot down in cold blood by a desperado. The victim being not only a woman, but an unarmed, unresisting woman, the murderer was, after a long and tedious legal contest, sentenced to be hung. By no possibility could there be a more cold-blooded murder than this one, yet, after all legal quibbles and technicalities had been exhausted and the murderer sentenced, the governor of the State steps in and commutes the sentence to imprisonment for life! There was a good deal of complaint about this from some of the Texas papers, they claiming that such action was virtually an encouragement to mob law. But that a murderer in Texas even gets into the penitentiary should be a matter of congratulation among law-abiding people.

To give the reader an idea of the class of homicides that swell the aggregate in Texas to such large proportions I append a few samples from the columns of the *Galveston News*, covering less than one week in February, 1880:

"DENISON, February 2.

"Marshal Sam Ball, of Sherman, who was seriously wounded in a shooting affair at Red Light saloon, in Sherman, last Wednesday, died at eight

o'clock this evening. Marshal Ball was a good, fearless officer, and liked by everybody."

"HEMPSTEAD, February 4.

"Last night a dispute about a mere trifle arose between Pierce Calhoun, a young man aged twenty-two or twenty-three years, and Jerry Smith, colored. Nothing was thought of it at the time, but this morning Calhoun went to a neighbor, borrowed a gun, and proceeded to the field where Smith was at work, and, stepping close up to him, fired the contents into Smith's side and heart, killing him instantly. Calhoun mounted his horse and left."

"WACO, February 5.

"Wednesday night Mr. Doyle, living three miles from Marlin, was waylaid and shot five times, the balls taking effect in his hand, hip, thigh, back, and near the eye. He is in a critical condition. No arrests have been made, though Doyle charges Neil Reed and Tom Gross with the foul attempt."

"CHAPPELL HILL, February 6.

"Last night Gabe Felder shot and seriously wounded John A. Fraylor, constable, the ball taking effect in the head. Fraylor's condition is critical. It being late at night when the shooting occurred, the examining court will have to develop the origin of the difficulty."

"DALLAS, February 7.

"The difficulty between Wright and Wicks, at Hutchins, grew out of a wood contract, in which they

were partners. Wright claims that the shooting was done in self-defence, Wicks having attempted to brain him with an axe while in the woods, and subsequently made threats of taking his life."

These are samples of the ordinary class of homicides, not only in Texas but in the Southern States generally. They differ only in detail. A connecting thread runs through them all. Happening in such numbers in proportion to population, they indicate unmistakably a low grade of civilization with respect to the taking of human life, and an inadequate administration of law.

The ordinary homicides, examples of which are given above, are of every-day occurrence. Over two dozen were reported in Texas in February, 1880, or more than the average number in all the New England States in six months. More than the yearly average in Massachusetts, with a population of over a million and a half, more than the yearly average in the four States of Rhode Island, Vermont, New Hampshire, and Minnesota.

The effect of so much shooting and stabbing, arms-bearing and pistol-carrying as we find in Texas, and the inadequate protection which the non-enforcement of law gives human life, has a demoralizing effect upon the rising generation. Speaking of the prevailing custom of arms-bearing, the *Galveston News* of February 11, 1880, says, "As long as men see fit to carry concealed weapons the practice will be kept up, for the law, whatever it may be in theory, is not ef-

fective in practice. In verification of the old adage, that 'as the old cock crows the young one learns,' even the rising generation is disposed to profit by its chances for instruction. Not long ago an examination of the persons of the boys at a school in Houston revealed that quite a startling percentage of the pupils were carefully provided with weapons of one character or another, and not long afterwards a mere child shot another in the breast with a small pistol. And now Brenham comes to the front with the information that on Wednesday last the explosion of a pistol in one of the schools of that city threw the pupils into a commotion. An investigation led to the discovery that two boys, who had had a quarrel, came to school armed, just as if they were grown up and the school were a mere legislative assembly. *A similar practice prevails in Pennsylvania, where not long ago a boy was dangerously shot by a school comrade.*" The italics are mine. A similar practice does not prevail in Pennsylvania. Search the boys attending the public schools in Pennsylvania and not one in a thousand would be found with a pistol. Although the population of that State is about four millions, and although the foreign population, particularly in the mining regions, add largely to the aggregate of crime against the person, yet there is not an average of one hundred homicides annually in Pennsylvania. If, in proportion to population, homicide was as frequent as in Texas, the number annually carried off by the pistol and the knife would be about fifteen hundred. If the custom of carrying



and using concealed weapons was as prevalent in Pennsylvania as in Texas, as intimated by the *News*, there would be no such enormous disproportion as exists in the number of homicides in the two States.

I have collected the annual average number of cases of murder and manslaughter upon all the court dockets in the four States of Maine, Pennsylvania, Michigan, and Minnesota, representing the East, the Middle States, and the West, with an aggregate population of about seven millions. The annual average number of cases of murder and manslaughter on the criminal dockets of all the courts in these four States is one hundred and fifty-four. In 1870 the population of Texas was less than one-seventh that of these four States combined. But call it one-sixth, as Texas has increased rapidly in population. There are in Texas one hundred and fifty-eight counties. Measured by the annual number of murder cases on the dockets of all the courts in these four States, allowing for difference in population, and we find that was murder no more frequent in Texas than in these four States, the average would be one murder case on the court dockets of each county in Texas every five and one-half years; the average to each county not being above five cases in a quarter of a century! But so great is the excess of murder in this State that there are often four, five, eight, ten, and even twelve murder cases on the court dockets of a single county in a single year. This should not be so, and would not but for the great laxity in the administration of law. One Texas paper estimates that there

are at large in that State at least eight hundred murderers, "many of whom have killed more than one man." And those arrested are treated with extraordinary leniency, considering that murder is the greatest of all crimes. In the *Galveston News* of a later date there is reference to a double murder several years ago, in which one man shot two brothers dead. These murdered men each had a wife and five children, and the writer says the scene at the coroner's inquest, where the two men lay dead, was very affecting, as the two widows and ten orphaned children wept and wailed over the cold bodies of the newly slain. And in this connection he mentions that *six years* have passed and the murderer is still on bail and his case continued from term to term. What a mockery of justice is this! It is stated that the widow of one of the murdered men has attended every term of the court for six years, waiting for the case to be tried. Alas! many of these cases of brutal and cold-blooded murder will not be reached until the judgment-day, when we are led to believe, from anathemas pronounced against murderers in the Bible, that there will not be further continuances.

Mention is made elsewhere of the number of murders in Austin, the capital of the State, having a population of some twelve thousand. The population of Albany, the capital city of New York, is eight times greater than the population of Austin. Yet in the city of Albany, for the six years ending November 30, 1878, there were only five arrests for murder and manslaughter, or less than an average

of one annually among nearly one hundred thousand population. This is shown in the six annual reports of the police commissioners of that city, covering the years named. Measured by relative population, and was murder as rare in Austin as in Albany, there would be in the former city an average of but one person murdered every ten or eleven years. Were homicide as rare in proportion to population in the capital city of Texas as in the capital city of New York, to speak of "the last fourteen or fifteen homicides in Austin" would require a retrospective glance covering more than one hundred and fifty years!

## CHAPTER VI.

### HOMICIDE IN SOUTH CAROLINA.

SOUTH CAROLINA is an old State, long settled, with none of the flavor of the frontier, and with but a very small foreign-born population. There is no reason why homicide, among the whites at least, should be more frequent than among the American-born white citizens of New England. Measured by relative population, however, we find murder and manslaughter among the white people of South Carolina to be more than fifteen hundred per cent. more frequent than among the American-born citizens of New England. This indicates a radical difference in habit, not explainable upon grounds of climate alone. It lies deeper.

I collected from the South Carolina newspapers during 1878 accounts of one hundred and fifteen homicides and eighty-six persons severely wounded in that State during the year. Allowing that fifteen per cent. of the wounded afterwards died of their wounds, and it swells the homicides to one hundred and twenty-eight. Allowing for difference in population, and this is about the same rate of homicide as in Kentucky, South Carolina having about one-half as large a population as Kentucky.

During the year 1877 there were one hundred and

thirteen homicides reported in South Carolina, and sixty-eight severely wounded. Allowing that fifteen per cent. of the wounded afterwards died of their wounds, and it swells the homicides for the two years to two hundred and fifty-one. This is upon the supposition that not a homicide or a serious wounding missed the columns of the *Charleston News and Courier*. Probably many did miss mention, for occasionally we find references to a homicide as having taken place not mentioned at the time. But making no estimate upon this, simply taking those reported as killed and mortally wounded, and allowing that fifteen per cent. of the dangerously and severely wounded died, and we have two hundred and fifty-one homicides in two years. In 1870 the population of South Carolina was less than one-half that of Massachusetts. During the years 1877 and 1878, when we find two hundred and fifty-one homicides in South Carolina, there were but forty in Massachusetts, with more than double the population! Had homicide been no more frequent in South Carolina than among an equal population in Massachusetts, the number would not have been two hundred and fifty-one, but only nineteen in two years. This shows at a glance the great and unnecessary prevalence of homicide in South Carolina. Outside of the city of Boston, with its very large foreign population, the homicide rate in Massachusetts is very much less than here given. South Carolina has no city of this description to nearly double her homicide rate. Take the more rural districts of the two States, and the

crime of man-slaying will be found to be at least twenty times more frequent in South Carolina than in Massachusetts. That this the greatest of all crimes should be so very much more frequent in the rural districts of South Carolina, for instance, than in the rural districts of Massachusetts (taking relative population into consideration) shows fatal defects in the structure of Southern society and in the administration of law.

This estimate leaves Boston and the larger cities out of the calculation, and the comparison is based upon homicides in the more rural districts. But include all the great cities and manufacturing centres, where the bulk of the foreign-born citizens are found, and among whom a majority of the homicides in Massachusetts occur, and still the crime is twelve to thirteen times more frequent in South Carolina than in Massachusetts.

In the upper counties of South Carolina, as they are locally called, there are much the same general conditions, with reference to the pursuits and occupations of the people, as we find in the western counties of Massachusetts. In Massachusetts we would naturally look for the greater number of homicides, for the population is more dense than in any portion of South Carolina and the per cent. of foreigners quite large.

Take the counties of Pickens, Greenville, Union, Spartanburg, and Anderson, in South Carolina, with an aggregate population of about one hundred thousand, collect the number of homicides happening in

one year, and compare with the number during the same time among an equal population in Western or Central Massachusetts, and what a contrast! Were the crime of man-slaying no more frequent in these upper South Carolina counties than among an equal population in rural Massachusetts, there would be in Spartanburg County, South Carolina, but an average of one homicide in seven or eight years; in Greenville County, one every eight or nine years; in Anderson County, also, one every eight or nine years; and in Pickens County, one every sixteen to eighteen years.

In Massachusetts we find the highest homicide rate in the largest cities. In South Carolina we do not find it so. There are in Suffolk County (Boston) one hundred thousand foreign-born citizens. Here is the highest homicide rate. Turning to some of the South Carolina counties previously mentioned, and we find that, in 1870, Anderson County had but 84 foreign-born citizens; Greenville, 118; Spartanburg, 80; Union, 65; Pickens, 10. These are all agricultural counties. There are within them no great cities, no vast manufacturing centres; no violent clashings of interests between labor and capital; no large importations of foreigners with their often peculiar habits and associations. Here, indeed, are all the conditions for the ideal law-abiding community, with a murder rate that (measured by the same class of communities in New England) should not cut off more than one citizen annually to every one hundred and fifty or two hundred thousand population, or an average

of one homicide in each county in South Carolina every eight or ten years.

During the year selected for comparison (1878) there were in South Carolina three duels, or rather three duels fought by citizens of South Carolina. Each of these arose from trivial causes, like nine-tenths of the homicides. During the same year there was not a duel in all the Northern States, inhabited by thirty-odd millions of people! Had they been as frequent as in South Carolina, in proportion to population, there would have been in the Northern States, in 1878, no less than one hundred and twenty-five duels. In proportion to *white* population, there would have been over three hundred. Imagine a condition of society that could produce such barbarous results!

In one of these duels a citizen of Callerton County fell in Georgia, where he went to fight. He fell mortally wounded; his wife went to him; he died; his body was brought home and buried. "He was a good citizen," we are told in the local account, "much respected in the community, and leaves an interesting family to mourn his untimely fate." Picture the grief of that family who can! And all about nothing, absolutely nothing, compared to the value of the life of a man to himself, his family, and the community.

Among the numerous assassinations was that of Pickens Goggans, in Edgefield County. He was shot in his house and in the presence of his wife. Going to the scene of the murder, a local reporter writes, "On my way I passed the residence of L. E



Holloway, who was killed last year. I am told that Goggans was murdered in the same room where his father was killed three years ago."

Among the great number of simply "personal difficulties" which caused about seven-eighths of all the homicides, there were a few deserving of notice on account of some peculiarity. Jesse Mitcheson and his son and a man named Black were going home from Branchville. Young Mitcheson and Black had a "difficulty," and Mitcheson, in attempting to shoot Black, hit his own father and killed him. In a quarrel about "positions on the floor" at a country dance five pistols were drawn, general shooting indulged in, and one man killed. Five men go to a dance loaded with pistols, not because, perhaps, they expected a "difficulty," but because in case of one the pistols would be useful for "self-defence!"

In a street-fight in Edgefield one afternoon in August four men were killed,—three shot dead, and the fourth mortally wounded,—and five slightly or severely wounded. Two of the killed, we are informed, "were old, gray-haired men,"—Benjamin and James Booth. Benjamin Booth had previously killed Luther Toney, and Broker Toney (one of the four killed) had previously killed Deputy-Marshal Gus Harris, and "also another man two or three years before." This affray, therefore, leads us into accounts of seven different homicides. All who survived the battle were, I think, acquitted on trial. In a Spartanburg local paper, about the time of this Edgefield street-fight, we find this item referring to a large assemblage of

people in that town: "Although there were over ten thousand persons on the streets of Spartanburg Thursday, *not a single row occurred.*" But the same paper contains this item: "Jim Johnson shot and (is believed) mortally wounded Charley Riley. . . . Riley opened the ball with a pistol, and Johnson closed up with a shot-gun, *lodging five slugs in the body of his adversary.*" In an account of the killing of one boy by another with a pistol, we are informed in a local paper that "such occurrences are the certain fruits of *carrying concealed weapons, especially when practised by boys.*" The remark need not apply to boys alone. Seven-eighths of the South-Carolinian homicides grew out of this habit among men.

Without having space to mention in detail one-fifth of the shooting and cutting scrapes for the year in South Carolina, a few are selected as types of the rest. In Union County two young men of prominence have a "difficulty," and one kills the other. The victim, Johnson, we are told, "was a young lawyer of fine promise, and the nominee of the Democratic party for probate judge." In Charleston County, after a Democratic meeting, a difficulty "arose," as we are informed, between two prominent citizens, Messrs. Schuler and Harris, in which the former was severely stabbed in the abdomen and thigh. In a Democratic convention in Newberry County a shooting affray occurred between two of the most prominent citizens, and both were wounded. In a Charleston shooting affray a State senator was shot and severely wounded.

There were during the year in the State *one hundred and eighty-three* personal difficulties, street-fights, affrays, and assassinations, in which deadly weapons were used. To give only a few lines to each case would require more space than can be allowed consistent with the limits of this volume. Another striking fact is that a majority—a very large majority—of these could not have terminated either in the killing or dangerously wounding of parties had they not been armed. Without deadly weapons these fights and affrays would have been but simple cases of assault and battery, with bruised noses and blackened eyes, but no household robbed of the husband and father, no orphaned children, or wives made widows suddenly and awfully.

The number of family affrays between relations bear about the same proportion to total deadly difficulties as in the other Southern States. During the year a father was killed by his son, who was shooting at another man. A girl elopes with her intended husband, is followed by her father, who shoots the lover dead from his horse in the presence of his intended wife. A desperado, the murderer of one and probably more men, kills his wife. A son is killed by his father. A nephew kills his uncle. Two brothers fight, using knives, and cut each other dangerously. A son, in a "difficulty" with his step-father, stabs him to death, and is himself stabbed three times by the dying man. But deadly affrays among relatives, of which these are specimens, will be referred to in another place.

Often in this State we find half a dozen or more murders and manslaughters happening in a single county in a single year, although the average population of a South Carolina county is less than one-fifth the average population of a Massachusetts county. The Abbeville (South Carolina) *Press and Banner* of November 14, 1877, says, "It is not without a pang of regret that we record three homicides during the past week in Abbeville County." The week following another is recorded, making four in two weeks. The number of separate and distinct "difficulties" with deadly weapons in a single county within a few weeks or months is sometimes amazing. In Edgefield County, in 1878, seven men were shot dead in "difficulties." In Abbeville, as above, there were four in two weeks, all growing out of separate "difficulties." In Oconee County, in five months ending January, 1880, four men were shot dead in "difficulties," as we learn from the local account of a murder published in the *News and Courier*, "which," it is observed, "makes the fourth homicide that has occurred in this county since August last." Here are four homicides in five months in a county containing about eleven thousand population. This is nearly up to the average of one annually to a thousand population. Among the same number of people in Eastern States we find an average of about one homicide in fifteen years, instead of four in five months. But it is not so remarkable that there should on perhaps exceptional occasions be four homicides in Oconee County in five months, as it is that the annual average

in the whole State should be so very excessive as we find it compared with Northern States. The more we widen and enlarge the comparison, the greater becomes the disproportion. He who would attempt to solve the problem on the grounds of climate would need to provide himself with all the meteorological tables from Adam's time down, and then he would be deficient in material.

The one hundred and thirteen homicides in South Carolina in 1877 I have arranged according to color of the slayers and the slain as nearly as possible. This, however, does not include the severely wounded, some of whom have undoubtedly since died of their wounds, and which, on a fair estimate, would swell the homicides that year to over one hundred and twenty. But leaving the wounded out of the calculation, also such as were killed by parties unknown, and we find that there were 109 homicides the color of the perpetrators of which is ascertained. We find that, during the year, 45 whites fell by the hands of whites, and 24 blacks fell by the hands of whites, making 69 homicides committed by whites out of an ascertained total of 109. The blacks killed 35 of their own number and 5 whites. It will be seen, therefore, as in Texas and Kentucky, that the whites, in proportion to population, kill many more than the blacks. In 1870 the black population of South Carolina was four hundred and fifteen thousand eight hundred and fourteen, and the white, two hundred and eighty-nine thousand six hundred and sixty-seven. Rated by relative population, therefore, it is found that homi-

cide by the whites is more than twice as frequent as homicide by the blacks. While the blacks are not a model as a law-abiding race, yet there is a point up to which their example could be followed by the whites with advantage.

It will be a matter of surprise to some that so far as known during the year, out of a large aggregate of homicides, only twenty-four blacks were killed by whites. With a third greater population to exercise the art of killing upon, yet they (the whites) killed but twenty-four, while of one another, with a population very much less, they killed forty-five. On the other hand, but five blacks killed whites, which, among other things, shows the advantages of vigorous administration of punishment for murder. Of assassinations during the year there were five, and five attempted assassinations.

Of course the columns of a single newspaper cannot be relied upon to get all the homicides in South Carolina in a given period. But it is correct so far as it goes. Probably the number not reached by this means will not exceed ten per cent. of the total. Coming down to a later date, we find in the *News and Courier* of March 3, 1880, accounts of twenty-one homicides as having happened in South Carolina in seventy-one days. Also of seventeen persons wounded,—nine by stabs and eight by shots. Some of the wounded have since died. Dates and details are given in each case and the matter made the subject of editorial comment. These all grew out of thirty-seven different affrays, street-fights, and “diffi-

culties" of the usual Southern type. Bad as this is, it is not all. Further investigation shows *thirty-one* homicides in South Carolina in seventy-three days, or one-fifth of a year, being at the rate of one hundred and fifty-five in twelve months! "An absolutely complete record of the crimes committed in this State is not to be obtained," says the paper in the editorial referred to, "but the following summary of offences reported to the *News and Courier* is very near the truth." Then follows the list of crimes as having happened in seventy-one days, but which is very incomplete. In the next two days after the date of the last affray reported there were three more homicides,—a man in Newberry County killed his brother and dangerously wounded his wife; a negro accused of attempted outrage was lynched by a mob; a man named William Stevenson was stabbed to death near Winnsboro', of which the following account is given:

"WINNSBORO', March 2.

"A fatal affray occurred about two miles west of this place yesterday afternoon between two brothers named Young on the one side and a Mr. William Stevenson on the other, in which the latter was cut in the arm, from the effects of which he died this morning."

This is a characteristic account of a characteristic "difficulty." One of the Youngs was afterwards discharged, and the other admitted to bail in the *sum of five hundred dollars*. We are informed that

great sympathy is expressed for Stevenson's young wife, "who is almost crazed by grief at the loss of her husband." Alas! she is only one of twenty thousand widows made so in the South since the war with the pistol and the knife. Yes, every one of twenty thousand, and twice as many orphans. Who can paint the woe, the anguish of broken and desolated households, this mountain of crime! And still the deadly work goes on, and murderers are allowed to reload their pistols and go at large "on bail" until acquitted.

Add these additional homicides and the three mortally wounded previously referred to, and it makes twenty-seven in seventy-three days. But still it is not all. The files of the *News and Courier* itself for February show three homicides not mentioned in the list referred to, and a fourth that probably turned out to be a homicide, as the victim's wound was reported to be mortal. This swells the number of homicides to thirty-one. Of the three omitted, two were escaped prisoners, who were killed,—John Frierson and a man named Scott. There were also several other affrays not mentioned in the list from which I have quoted (but not resulting in immediate death), although in one instance, certainly, the victim is pronounced in a "precarious condition," his skull having been "fractured with a weight."

The following is an account of one of the many "difficulties" which helped to swell the number slaughtered in February. The affair happened near Laurens, and is a type of its class. The local ac-



count says, "It appears that there was a valentine party at the residence of Mr. James Shell, and quite a number of the young people of the neighborhood were enjoying the gathering, and it promised to be a most pleasant affair. Shortly before eleven o'clock a difference occurred between the young men as they left the house, and several pistol-shots were heard. A young man who witnessed the altercation ran to the house to report the matter, and when he returned two young men, Willie Parker, son of Amos Parker, and J. F. Martin were found lying in the road, the former dead from three pistol-shots and the latter mortally wounded, shot in the right temple and through the neck."

According to this one man was killed and another mortally wounded, although the affair figures in the list referred to as but one homicide.

In Hampton there were two separate affrays in one day, one resulting in the stabbing to death of Conelly by Gill, and the other a general street-fight, of the usual Southern type, resulting, as the local account says, in "broken heads, broken bones, cuts, and so forth." Gill, who stabbed Conelly to death, we are informed is "a deacon in the Baptist church," and his victim "was thirty-five years old, and leaves a wife and three children."

But, without going into details, although pages could be filled with accounts of these bloody affrays, street-fights, and deadly difficulties, covering only a few months and all from the columns of one South Carolina newspaper, we find the number of homicides

for seventy-three days to be thirty-one. The time covered is one-fifth of one year. At the same rate there would be in one year one hundred and fifty-five homicides in South Carolina. This is quite above the number I found for the years 1877 or 1878, the average for these years being not far from one hundred and twenty each. There is no way to get the exact number for any year, but the average, taking one year with another, at a very low estimate cannot be less than one hundred and thirty. An average of one hundred and thirty cases of murder and manslaughter annually in a small State like South Carolina indicates a bad condition of things for a period of profound peace. But take the year 1876, and the number of homicides would undoubtedly be found to be much greater. There were the Hamburg riot, the Ellerton riots, the Cainhoy affair, and, indeed, a great many homicides growing out of politics. Meantime, the merely "personal difficulties" kept up at the usual rate, and those killed in political riots were but so many added to the total, which must have reached that year over two hundred. But obviously that was an exceptional year, and to base an average upon it would be unfair. This cannot be said of 1877 or 1878, or of the seventy-odd days mentioned above.

The presence of two races in the South is sometimes given as a reason of so much murder. This is true as to political murder, race riots, etc., but not true of the ordinary killings, the aggregate of which is immensely larger than all the murders with which politics have anything to do. It is a striking fact

that were the blacks taken entirely out of the calculation, the percentage of murders to population would be even larger than it is! That is, very many more people are killed by whites, in proportion to population, than by blacks. In 1877, in South Carolina, there was one homicide to about every six thousand five hundred aggregate population. Take all the blacks out of the calculation, and the homicides committed by them, and we find homicides committed by the whites to be at about the rate of one to every four thousand two hundred of their population. That is, measured by relative population, homicide is very much more frequently committed by whites than by blacks.

A brutal feature of these Southern murders is the frequency of relatives killing relatives. But it is a question if the percentage of these family murders to the total homicides is larger than in the North. In Texas and Kentucky, in one year, there were twenty instances of men killed by their brothers and brothers-in-law, and many were wounded, one, in the language of the local account, "having his eye cut clean out." All these twenty cases of the killing of men by their brothers and brothers-in-law grew out of personal quarrels, disputes about property usually being at the bottom of it, and the result often largely influenced by whiskey. Large as this number appears to be, it is really but a very small percentage of the total homicides, perhaps not a larger percentage than the same class of murders in the North *compared to the total*. Among the thirty-

one homicides in South Carolina in seventy-three days, three men were killed by their brothers, and there were several other "difficulties" among relatives resulting in death or wounding. Also several among immature youth. One of the homicides was by a boy *only fourteen years of age*, who stabbed Mr. E. E. Truwitt to death because of a quarrel the latter had with the father of the former.

While the killing of relatives by relatives is not a new thing in the world (the first man born into the world killed the second), yet the proportion of such affairs in the South to population is larger than among English-speaking people elsewhere. So indeed is the number of homicides of all descriptions, without reference to the comparatively few among relatives.

In New England, among a population equal to that of Texas and Kentucky, about twenty years would elapse (at the ordinary rate of homicide there) before the number would reach as many as in these two Southern States in one year. Whether, in a twenty years' record of homicides among a portion of the population of New England,—equal to that of Texas and Kentucky,—there would be as large a percentage committed by relatives is a question. Of wife-murder alone, however, the percentage to total homicides would be found to be very much larger than in the Southern States.

But to return to the race view of the question. Of the seven hundred and odd homicides in Kentucky and Texas in 1878, and in South Carolina in 1877 (embracing one year in each State), it is impossible

to tell in every instance by whom a given murder was committed. Leaving out instances that are doubtful, we have 657 cases that are ascertained. Of such cases we find that 434 whites were killed by whites; 109 blacks were killed by blacks; 98 blacks were killed by whites; and 16 whites were killed by blacks. It is not claimed for these figures that they are absolutely accurate, but it is claimed for them that they are approximately so. These widely separated States, one with an immense majority of black population, and the other two with a still greater proportion of white population, probably give a very fair average of killings by race in the entire South; that is, when there are no special "race issues," growing out of political campaigns or local disturbances. Take South Carolina for 1876 instead of 1877, and it would not give a fair basis of comparison, for seventy-five or a hundred blacks were killed that year in political affrays, which was not the case in 1877, or any year since. In the other two States in 1878 there were no political murders or general race disturbances to swell the total, as indeed there seldom are. In 1870 the white population of these three States was one million nine hundred and fifty-three thousand and fifty-nine, and the black eight hundred and ninety-one thousand four hundred and ninety-nine. Rated by population, therefore, it will be seen that the number of killings by the whites is far more frequent than killings by the blacks; in fact, just about double, counting only the homicides the origin of which is ascertained. If the number of

those killed by unknown parties could be ascertained, probably the totals would not be materially changed. The comparatively small number of whites killed by blacks is a striking commentary on the relation of the races. There is little mercy for a black murderer when his victim is white. If all homicides were reduced to this proportion, the aggregate would be but small. So far as we have been able to ascertain, one million of colored population lived one year with two millions of white population and killed but sixteen! And during the same time, in these three States, four hundred and thirty-four whites fell by the hands of their own race! These among the ascertained killings. Take the unknown, and probably a closer investigation would show that a larger percentage of these were killed by whites. Of the thirty-one homicides in seventy-three days, at a later date, twelve were committed by blacks and nineteen by whites.

Should this rate of homicide continue through the year, the number will be in excess of the number in 1877 or 1878, which I have given elsewhere. It would, in fact, bring the aggregate up to one hundred and fifty-five in one year. But put the annual average as low as one hundred and thirty,—probably about what it is,—apply it to the fifteen years since the war, and it gives the little State of South Carolina nearly two thousand homicides! And this without taking specially into account the extra homicides committed during the political riots of 1876 and previous years.

When South Carolina was under the rule of the Republican party there was the usual number of murders growing out of bar-room rows, "personal difficulties," and street-affrays, as well as many originating in politics. It was said that this would continue until the white people secured control of the State government, when the laws would be enforced and disorder suppressed. But the germs of crime are too deeply planted in Southern society to be eradicated by a mere change of parties controlling State governments. There is, to be sure, a diminution of political murder, for the occasion no longer exists, but of other murder, with which politics have nothing to do, and which is very much more frequent, there is no decrease. If anything, an increase is noted. There is as much or more crime against the person in South Carolina under Hampton and Simpson as there was under Chamberlain and Scott. There are as many or more homicides in Mississippi under Stone as there were under Ames. There are not so many political murders, but the average is well kept up by "personal difficulties," street-fights, and affrays having no connection with politics.

It is useless to attempt to saddle the responsibility for this upon the "demoralization growing out of the war," for there was the same recklessness of life in the South before the war as now. Besides, the war has been over fifteen years. It cannot be said that it is the result of carpet-bag government, for the last vestiges of these so-called governments have disappeared, and it is well that they have. It cannot be

laid to the colored people, for, according to relative number of population, murder and manslaughter are not nearly so frequent among them as among the whites, as I have shown.

In the face of such facts, gathered largely from its own columns, the *Charleston News and Courier* of February 14, 1880 (speaking of the frequency of homicide), says :

“At the court for Chesterfield County there were four cases of homicide on the docket; two were postponed, one resulted in acquittal, and the fourth in a verdict of manslaughter. For the term of the court at Barnwell Court-House, commencing on Monday next, there are four cases of homicide on the docket. Other courts will probably show as bad a record, at least if we are to judge from the reports of shooting, stabbing, and murdering in various ways which are constantly being received from the interior of the State. True, most of these crimes occur among the colored population; but they are not by any means confined to any race or class.”

The last sentence is entirely erroneous. Measured by relative population, it will be found that homicide in South Carolina is twice as frequently committed by whites as by blacks. Take the one-fifth of a year referred to, ending March 4, 1880, and we find that nineteen of the thirty-one homicides were committed by whites. This would be at the rate of one homicide annually by the whites to about every three thousand of their population.

Compared with the Northern States what a con-



trast these figures present! In the New England States a murder and manslaughter rate by the whites equal to that by the whites in South Carolina, would yield a crop of about *twelve hundred homicides* in one year! This leaves the South Carolina blacks and the homicides committed by them entirely out of the calculation, and the comparison is made only with the South Carolina white population and the homicides committed by them. The white population of South Carolina is about one-thirteenth that of New England. Therefore, if homicides are committed by the whites of South Carolina at the rate of ninety-five annually, then, to be equally frequent among the New England population, would require about twelve hundred and thirty-five annually. Instead of that the annual average in all the New England States is less than fifty. It is by such comparisons as these that we get at the enormous difference in man-slaying among and by the white people of the two sections, leaving the Southern colored population and the homicides committed by them entirely out of the question.

In the editorial quoted from the *Charleston News and Courier*, mention is made of eight homicide cases on the criminal dockets of Chesterfield and Barnwell Counties for one term. A few days after there is an item from Oconee County stating that seven prisoners are confined in the jail there charged with murder. Here, then, presumably, are fifteen murder cases for trial at one term of court in three counties with a total population of about fifty-eight

thousand, or less than the average population of single counties in Pennsylvania.

In four Northern States, representing the East, the Middle States, and the West, I have been able to collect from official sources the annual average number of cases of murder and manslaughter on all the court dockets, not for a single term, but for one year. These States are Maine, Michigan, Minnesota, and Pennsylvania, with an aggregate population of about seven millions. The average annual number of murder and manslaughter cases on all the court dockets of these four States, embracing courts held in two hundred and thirty-four counties, is one hundred and fifty-four. At the same relative rate there would not be in all the counties of South Carolina, upon the court dockets for all the terms held in one year, more cases of murder and manslaughter than appear in three counties at one term!

Obviously, the people of South Carolina are killing one another with too much rapidity. And it is so inexcusable! It does not grow out of attacks on property, or "strikes," or communistic riots, or, in fact, anything that could be well pled as an excuse. The fearful aggregate is made up of individual cases of man shooting or stabbing his fellow-man, generally about some trivial matter or so-called insult that in well-regulated and firmly-governed communities would not lead to anything more serious than simple cases of assault and battery.

As I write these lines news comes of still another deadly affray in Edgefield County, in which a gentle-

man, spoken of as the most prominent young physician in the county, is shot through the body and pronounced mortally wounded. Several others were wounded, and among them one who, we are informed, "had previously killed two men in deadly affrays!"

And almost the same day, in Nashville, Tennessee, a desperado shot a quiet, inoffensive, unarmed stranger dead (a man whom the murderer did not even know), and it is also mentioned casually that the murderer was regarded as dangerous, as he had on two previous occasions stabbed two men so severely that they were believed at the time to be mortally wounded. And yet, under the fine Southern system, which rears such men by the tens of thousands, they are permitted to stab and shoot and re-arm and stab and shoot again. One would think that after a man had stabbed two men nearly to death on different occasions his operations might be somewhat abridged by the enforcement of law. In a large percentage of these Southern affrays and assassinations it is found on investigation, as in these cases, that some of those engaged had previously been parties to deadly difficulties, and were still permitted to go at large. If only desperadoes themselves were killed, there would be less cause of complaint.

## CHAPTER VII.

### HOMICIDE IN INDIANA AND ILLINOIS.

I HAVE not been able to ascertain accurately the number of homicides in these States, but from what I have gathered it is clear that there are more homicides in proportion to population than elsewhere in the Northern States. This is particularly the case in Southern Illinois and Indiana, where there are very frequent and well-defined cases of shooting and stabbing, closely fashioned after the Southern pattern.

Indiana has two penitentiaries, one at Jeffersonville for convicts from southern portions of the State, called the Southern Prison, and one in the northern part of the State, called the Northern Prison. The divisions of population represented in these prisons are about equal. In 1878 there were eighty-four prisoners in the Southern Prison charged with murder and manslaughter, and but forty-nine in the Northern Prison. The southern counties of Indiana have many more murder cases in proportion to population than the northern counties. The same is true in Ohio, as I have pointed out. But why should a striking type of crime, peculiar to the Southern States, be more frequent in Indiana and Illinois than in most of the Northern States? And more frequent in the southern than in the northern portions of these States?

"Personal difficulties," resulting in the stabbing and shooting of men, are very frequent in the southern parts of these States as compared with the aggregate population. Why should this be so? Is it because the Southern-born population in these two States exceeds the Southern-born population in all the other Northern States? The closer this subject is investigated the nearer we reach such a conclusion. In Kentucky there is an average of one homicide annually to about six thousand population. There are in these two States about one hundred and fifty thousand natives of Kentucky. If the number of homicides among them were equal to the number in Kentucky, there would be an average of twenty-five annually. Among the same number of native New England population there is an average of only one homicide annually. The total Southern-born population in these two States is nearly half a million, or more than in all the other Northern States. And a majority of this population is in the southern portions of these States, where we find "personal difficulties" with deadly weapons most frequent.

I have spoken of the infrequency of homicide in several counties in Northern Ohio settled originally almost entirely from New England. I referred particularly to the counties of Ashtabula, Lake, Medina, Geauga, Lorain, and others, giving the number of homicides in those counties as reported by coroners' inquests. Were homicide as rare in the rest of Ohio, the annual average for the State would be less than one-half of what it is.

But compare the criminal calendar in these counties in Northern Ohio for the past several years in reference to crimes against the person with the criminal calendar in counties in the southern portions of Illinois and Indiana, and a very striking difference will be discovered. Some years ago there was a bad condition of affairs in Williamson County, Illinois, resulting in half a dozen homicides in a year, and the governor was called upon to suppress the lawlessness. The Southern newspapers had much to say of this at the time, as it was regarded as an offset to the same type of lawlessness prevailing in the South, of which much was said by the Republican press. The Northern papers were advised to attend to their own lawlessness, which was good advice, certainly. But those who carefully informed themselves as to the origin and continuance of the Williamson County troubles found a feud among families and factions of the peculiar Southern type, and not the production of Illinois society in its ordinary conditions. Williamson County was settled largely by population from the old slave States, and the "feud," which for a time brought that county into unfortunate notoriety, on account of the number of resulting homicides, originated among the population of Southern antecedents, and was carried on in the Southern shot-gun style. But the "feud" was suppressed, murder was punished, and Williamson is to-day as quiet and orderly as any county in Illinois. We have in this instance a striking illustration of the value of a rigid enforcement of the law.

When Charles Dickens was in America in 1842 his attention was attracted to the frequency of homicides in the slave States and in the Western States and Territories bordering upon the slave States, all, or nearly all, growing out of the class of affrays and personal difficulties to which I have referred. He attributed it all to the poison planted in Southern society by the existence of slavery. He showed that a very large proportion of these affrays occurred in the slave States, *or in the States and Territories bordering upon the slave States*. With his intense feeling upon the subject of slavery, finding nine-tenths of these cases in the slave States, he naturally attributed the entire evil to the then "peculiar institution." He says, chapter xvii., "American Notes":

"But it may be worth while to inquire how the slave-owners, and the class of society to which great numbers of them belong, defer to public opinion in their conduct, not to their slaves, but to each other; how they are accustomed to restrain their passions; what their bearing is among themselves; whether they are fierce or gentle; whether their social customs be brutal, sanguinary, and violent, or bear the impress of civilization and refinement.

"That we may have no partial evidence from abolitionists in this inquiry, either, I will once more turn to their own newspapers, and I will confine myself this time to a selection from paragraphs which appeared from day to day during my visit to America, and which refer to occurrences happening while I was there."

As to the fact that these bloody personal difficulties and affrays did not *all* occur where slavery existed, he said, "These cases did not ALL occur, it will be seen, in territory actually belonging to legalized slave States, though most, and those the very worst among them, did, as their counterparts constantly do; but the position of the scenes of action *in reference to places immediately at hand, where slavery is the law, and the strong resemblance between that class of outrages and the rest*, lead to the just presumption that the character of the parties concerned was formed in slave districts, and brutalized by slave customs."

This is directly to the point in the matter under consideration,—how it happens that the use of the pistol and the knife in the settlement of personal difficulties is so very much more frequent in Southern Illinois and Indiana than in New England and New York.

All the evils to society in the then slave and border States growing out of these "customs" Dickens attributes to slavery. In his estimation it was the one great evil, a sort of special Pandora's box, from which came ills to the States afflicted with slavery, that were largely shared by society in the free States *immediately adjoining*, and that would not have existed but for slavery. How true this is we can never know. But we do know that the crime of man-slaying is some five to twelve times more frequent in the late slave States than in the old free States, among an equal population. A smaller ratio might be accounted for upon climatic grounds, but this is altogether too large a proportion to charge up to the



climatic account. Dickens charges it all to slavery, saying of the slaveholder (and quite unjustly in most instances) that, "as he is a coward in his domestic life, stalking among his shrinking men and women slaves armed with his heavy whip, so he will be a coward out-of-doors, and, carrying cowards' weapons hidden in his breast, will shoot men down and stab them when he quarrels."

Slavery, however, perished sixteen years ago, but we find no improvement in Southern communities with reference to homicide. It is as frequent to-day in the late slave States as thirty-eight years ago, when Dickens wrote. There has been some improvement in the cities. Fewer men are shot and stabbed in the Southern cities now than forty years ago, but in the rural districts the condition of society with respect to taking human life has not improved. Men are shot and stabbed in merely personal quarrels as they always have been. There has, however, been a decline in duelling. This refined system of murder is much less frequent now than formerly. There are instances every year in the Southern States where men of courage and good standing refuse to fight duels, and public sentiment sustains them, which it did not do forty years ago.

But as to ordinary homicide, "in the heat of blood," there is, as I have said, no improvement. The natural tendency of such a condition is to become worse. Where the carrying of weapons is a habit, the chances are that the number carrying them will increase rather than diminish in a given time.

The fact that homicide in Indiana and Illinois, and particularly in the southern portions of these States, is so much more frequent than in most of the Northern States, is not accidental. If we find in New England a homicide rate of one annually to every one hundred and fifty thousand *native* population, it is reasonable to suppose that a section settled almost entirely from New England will not have a higher rate. This we find to be true in the "New England corner of Ohio," previously referred to. If, on the other hand, we find in some of the Southern States a homicide rate of one annually to every four, five, or six thousand population, is it not reasonable to suppose that States settled largely with this population will have a homicide rate greatly in excess of States and sections of States settled mainly from New England? In Illinois and Indiana there is a larger Southern-born population than in all the other Northern States combined. We find homicides of the Southern type more frequent in these two States than elsewhere North among an equal population. Putting these two facts together, the unusual frequency of the shooting and stabbing affrays in Illinois and Indiana, and particularly in the southern portions of these States, is accounted for.

Examine the accounts of pardons of criminals from the two Indiana penitentiaries, published from time to time by the governors of that State, and it will be found that a majority of the murderers pardoned are from the Southern Prison, and that the details in most cases show the murder to have been of

the Southern type,—that is, two men, often intoxicated, have a “difficulty,” and one shoots or stabs the other. More murderers are pardoned out of the Southern Prison of Indiana than out of the Northern Prison, yet there remain in the Southern Prison almost double as many murderers as in the Northern Prison. This is hardly accidental. It will also be found that a majority of the murderers in the Southern Prison came there by reason of having engaged in “difficulties” in which deadly weapons were used. This is the class of homicides that predominate so largely in the South, men shot down suddenly in quarrels, “in the heat of blood” (with the heat of whiskey usually superadded), and without premeditated design.

The pardoning of murderers in the Western as well as in the Southern States is carried to dangerous excess. A murderer (without justification) should never be taken out of prison unless it is to be hung. Better pardon fifty pickpockets and horse-thieves than one murderer. The depredator upon property can restore what he has taken, but the powers of earth cannot restore the murdered husband and father to the widow and the orphans, or the slain son to his parents. It is a sufficient stretch of mercy when the murderer escapes the gallows and is allowed to breathe away his forfeited life in prison, and to release him from that upon sentimental grounds is a crime against society.

## CHAPTER VIII.

### PERSONAL DIFFICULTIES FORTY YEARS AGO AND NOW.

I HAVE stated that a connecting thread runs through these Southern street-fights and affrays. They are all very much alike, differing only in detail and the number killed and wounded. In Charles Dickens's "American Notes," referred to, he calls attention to the frequency and deadliness of these affrays in the slave States *and in the States immediately adjacent to the slave States*. He observed that while all these affrays were not in the slave States, the most of them were, and that the strong resemblance between the affrays in number and character in the slave States and those in free territory immediately adjacent lead to the presumption "that the characters of the parties concerned was formed in slave districts and brutalized by slave customs."

He quotes a number of local accounts of these barbarous "personal difficulties," and, although happening forty years ago, they are exactly like those of to-day which are constantly occurring in the Southern States to the number of thousands annually. Here are three of the numerous list quoted by him:

#### "AFFRAY IN CLARKE COUNTY.

"An *unfortunate affray* occurred in Clarke County

(Missouri), near Waterloo, on Tuesday, the 19th ult., which originated in settling the partnership concerns of Messrs. McKane and McAllister, who had been engaged in the business of distilling, and resulted in the death of the latter, who was shot down by Mr. McKane because of his attempting to take possession of seven barrels of whiskey, the property of McKane, which had been knocked off to McAllister at a sheriff's sale at one dollar. McKane immediately fled, *and at the latest dates had not been taken.*

"*This unfortunate affray* caused considerable excitement in the neighborhood, as both the parties were men with large families depending upon them, and stood well in the community."

"AFFRAY ON THE MISSISSIPPI.

"On the 27th ult., in an affray near Carthage, Leake County, Mississippi, between James Cottingham and John Wilburn, the latter was shot by the former, and so horribly wounded that there was no hope of his recovery. On the 2d instant there was an affray at Carthage between A. C. Sharkey and George Goff, in which the latter was shot and thought mortally wounded. Sharkey delivered himself up to the authorities, *but changed his mind and escaped!*"

"PERSONAL ENCOUNTER.

"An encounter took place in Sparta, a few days since, between the barkeeper of an hotel and a man named Bury. It appears that Bury had become somewhat noisy, *and that the barkeeper, determined to pre-*

*serve order, had threatened to shoot Bury, whereupon Bury drew a pistol and shot the barkeeper down. He was not dead at the last accounts, but slight hopes were entertained of his recovery."*

These were clipped from Southern newspapers forty years ago. I have before me the Charleston (South Carolina) *Daily News and Courier* of February 6, 1880, and in this *single issue* I find accounts of five bloody affrays in that State of the type mentioned by Dickens, and the counterparts of which are and have been for generations constantly happening in all the Southern States. Without dates it would be impossible to tell whether these happened in 1840 or 1880. The types are the same, and grow out of the same conditions of society then as now. It requires but a simple calculation to show that more men have fallen in the Southern States in personal combat since 1840 than were killed in battle in both armies during the war of the Rebellion. Collect them all for a single year, multiply by the number of years, and it will be found that this is true. Such an awful sacrifice of life is barbarous. Homicides there are everywhere, but there is no excuse for so many as happen in the Southern States.

The accounts of the five affrays found in a single issue of the Charleston paper are strikingly like those mentioned by Dickens forty years ago. In Oconee County Thomas Parker shot and killed Jesse Horn on account of a "dispute" the latter had with the father of the former. At Manning there were two

men, Scott and Dubose, seriously wounded in an affray, one shot and the other stabbed. At Greenville there was a bar-room affray, and a man shot and wounded. In Anderson County John Barnes was stabbed to death "in a quarrel in which several were engaged." At a place called Fair Play Mrs. Emily Compton was shot and killed by two men who were passing the house, and who shot at her husband for simply requesting them not to fire into the house.

Here are five bloody affrays, accounts of which are found in a single issue of a daily newspaper in a State containing about three hundred thousand white population. This is as many as the average among three hundred thousand New England population in *two years*. That such deadly affrays happen everywhere is not disputed, but their extraordinary number in the Southern States is without excuse. Often among the white citizens of South Carolina in a single week there is more bloodshed than among an equal number of people in Eastern States in two years. Often in sixty days in a single Southern State there are more deadly affrays between citizens, in which the knife and the pistol are used, than can be found in all the annals of crime in New Hampshire, for instance, in a quarter of a century. The peculiarity of these deadly difficulties is not that they do not sometimes happen everywhere, but the proportion in the Southern States, compared to population, is simply enormous. There are, in the Southern States, no class of crimes so difficult to suppress

by punishment (as law is administered there) as these homicides growing out of affrays where deadly weapons are used. The plea of self-defence has become a cloak to justify and legalize murder. Two men have a "difficulty," one draws a pistol or knife, or makes a motion as if to do so; his adversary, a little the quicker, shoots him dead, and is acquitted on the ground of self-defence. It is shown that he believed his own life to be in peril, and hence is acquitted. As most of the homicides grow out of this very class of affrays, it is apparent to those acquainted with the structure of Southern society that the percentage of convictions to trials must be very small. The theory of self-defence, in many cases, has been carried to the extent of making it a cloak for murder. I could give multiplied instances of this, but it is unnecessary. In a case I knew one man opened fire upon another advancing rapidly towards him. The victim returned the fire, but was shot dead. The defendant was acquitted on the ground of self-defence. Yet in the county where this happened there had been several murders within a year. But this did not seem to tighten the reins of justice. The more murders the more acquittals. In a street-fight in which several are engaged, and one or two or even more are killed, it is almost impossible to secure conviction of the survivors. In a street-fight in Edgefield, South Carolina, where four were killed and several wounded, all the survivors were acquitted. I could give many instances like this. Such a condition of things leads to great laxity in the administra-



tion of justice. Self-defence is the all-powerful plea, and jurymen are apt to take a very latitudinous view of what constitutes "provocation."

Many years ago, in the days of Felix Grundy, the great criminal lawyer of Tennessee, a Tennessean, Winchester by name, killed a man named Smith at Edwardsville, Illinois. Smith had made a caricature or ludicrous representation of Winchester, which the latter deemed an insult, and he killed Smith. Winchester was a friend of Grundy's, and the latter came all the way from Tennessee to defend him. We are informed, in what purports to be a history of the case, that when it came to selecting a jury Grundy managed to select one composed entirely of natives of Tennessee, without reference to whether they had formed or expressed an opinion as to the merits of the case or not. Natives of New York, Massachusetts, and the Eastern States were allowed to stand aside, as Grundy wanted only jurymen who were acquainted with the noble art of "self-defence." The result was the acquittal of Winchester.

Grundy achieved great distinction as a criminal lawyer, and especially for his power before a jury in cases of homicide. Many of those acquitted through his matchless eloquence lived to kill other men. In a book printed in Alabama containing biographical sketches of many of the public men in that State there are accounts of no less than five homicides. Three of these public men killed men, and two were themselves killed. Singularly enough, one of the killed was a murderer from Tennessee, named An-

derson, who had been acquitted of the crime of killing his brother-in-law through the eloquence of Felix Grundy. The acquitted murderer went to Alabama, killed another man, and was himself killed by a man named Fearson, who was never tried for the crime, as it was a clear case of self-defence.

Another case mentioned in this book, and which illustrates cases found so often in the Southern States, was that of Hon. John Ewing, of Greene County, Alabama. In a speech in the court-house he had used harsh language towards one Ross, a party to the suit. As he came out of the court-house Ross struck him with a cane, whereupon he stabbed his assailant to death. The writer says (page 295), "Mr. Ewing was *subjected to the forms of a trial for the homicide*, but the jury acquitted him on the ground that he acted in self-defence."

There are very many instances in the Southern courts where men are acquitted of manslaughter when their only justification was a blow from a cane or even the fist. Indeed, in some instances this is carried to the extent of acquitting for murder when the murderer killed his enemy in revenge for an insult by words, and when he was in no bodily peril whatever. The old common law doctrine as to what really constitutes self-defence is about lost sight of in the precedents established by decisions of the courts. But in other portions of this book I will refer again to instances of so-called "self-defence." Occasions are very rare where one man is justifiable in killing another, yet we find in the Southern States

such laxity in the administration of law and such latitude given the doctrine of self-defence, that not one white man in ten guilty of killing his fellow-man is adequately punished, or even punished at all.

The custom of stabbing in this country seems to have originated in New Orleans. At least in the first accounts I find of it in the Southern States it is spoken of as having been "introduced" from New Orleans. The first reference to the custom in Kentucky is in the Travels of John Melish, 1808, page 141, vol. ii. He says, "Seven miles below we reached Port William, at the mouth of Kentucky River, where we stopped for the night. Port William is a small place, consisting of about fifteen families only; and being subject to fever and ague in the fall, it is not likely to increase very fast. We were informed here that some of the country people still retain their vicious propensity for fighting, biting, and gouging, and that they had lately introduced stabbing, a practice which had been learned at New Orleans."

How well the "practice" has been kept up we know from an inspection of the criminal calendar in the Southern States. The deaths and woundings from stabs, frequent as they are, however, are less than the deaths and woundings from shots. If ever there was need of the enforcement of law against the use of the pistol and the knife, it is needed to-day in the Southern States. The whole judicial system, with reference to homicide, needs reconstruction, and fewer opportunities should be given for the escape of murderers.

## CHAPTER IX.

### HOMICIDE IN PENNSYLVANIA.

THE annual number of homicides in Pennsylvania is considerably greater than in the adjacent State of New York, outside of that city. A majority of these homicides, however, are in the coal and oil regions of the State and in the counties having very large foreign-born population. On the other hand, there are many Pennsylvania counties where there is not an average of over one homicide in five years. In Potter County, for instance, there is an average of but one in seven or eight years. For a period of over twenty years last past there have been in Potter County but three murders. In the adjacent county of McKean homicide was equally rare until the oil discoveries and developments, since which time the population has quadrupled, and there has been an average of a homicide annually. In Potter County, at the December (1879) term of court, there were no criminal cases on the docket, no indictments by the grand jury, no prisoners in jail, and no paupers in the poor-house. Potter is purely an agricultural county, with a comparatively small foreign-born population, and we find here as in other Pennsylvania counties of the same class that homicide is very rare.

The returns from all the criminal courts in the State show that homicide is more frequent among the foreign-born residents of the anthracite coal regions than among any other class of equal numbers. But since the Mollie Maguire excitement a few years ago, which resulted in the hanging of some eighteen or twenty men convicted of murder, there have been no more Maguire murders. The effect of a wholesome administration of justice when dealing with murderers is seen in the example of Pennsylvania. The number of men executed were actually larger than the number of murders for which these culprits were hanged. In one instance three were hanged for the murder of one man. In another eleven men were sent to the penitentiary for an attempt to kill one, although the intended victim, W. H. Thomas, escaped with slight wounds. The five murders in 1875, which aroused such an intense feeling against the Mollie Maguires, were the assassinations of Gomar Jones, Thomas Gwyther, B. F. Yost, and Messrs. Sanger and Uren. For these murders more men were hanged than the number of their victims. The murders all took place in 1875, and being cold-blooded assassinations it aroused intense feeling, which culminated in a wholesome wholesale hanging and imprisonment of the guilty. These were not all the murders committed by the Mollies, but they were the principal ones, going no farther back than 1870. During the war and immediately after the number of homicides in the anthracite regions, and particularly in Schuylkill County, was much greater

than in 1875, and greater than in any other portion of the State of equal population, but they were not deliberately planned and executed assassinations. For a few years during the war and up to 1867 the number of homicides in the Schuylkill regions averaged from ten to fifteen annually. But it was not these which gave the death-blow to Mollie Maguireism,—an importation, by the way, from Ireland, and there called “*Ribbonism*.” It was the assassinations in 1875 that so aroused the latent energies of the law, and caused more legal executions for these assassinations than the number who were assassinated. In the case of the deadly assault upon W. H. Thomas eleven men, to wit, Kehoe, Donnelly, Canning, O’Brien, McHugh, Donahue, Roarity, Gibbons, Morris, Hurley, and Doyle, were convicted, the jury being out but twenty minutes.

In reading the history of the Mollie Maguire crimes and the trials, convictions, imprisonments, and executions which followed, one is impressed with the necessity of an equally energetic administration of justice in the Southern States. The total number of men killed by the Mollies in Pennsylvania in the year 1875, and for which so many were hanged, was less than the number of murders in Texas and Kentucky during any thirty days in the year 1878! The five assassinations mentioned in Pennsylvania in 1875 led to the execution of over a dozen men for the crime. Yet in 1878 there were forty-one assassinations in Texas alone, and but few, if any, executions for them.

The number of felonious homicides in Pennsylvania for the six years ending September 30, 1878, including the operations of the Mollie Maguires, which reached their culmination in 1875, was five hundred and forty-three, an annual average of over ninety and less than ninety-one. Pennsylvania has four millions of population, including perhaps three-quarters of a million of foreign-born residents. She has the greatest coal and oil developments on the continent, great and clashing interests, and one city of nearly a million inhabitants. That with all this she keeps the number of murders and manslaughters below an average of one hundred annually is a testimonial to the vigor of her administration of justice. Were murder and manslaughter as frequent in Pennsylvania as in South Carolina, rated by comparative population, the number would be over six hundred annually instead of less than one hundred. Yet there is not the excuse for homicide in South Carolina that there is in Pennsylvania. Her foreign-born population is not one-fiftieth part as great; she has no large cities, and great mining and manufacturing interests, among the population of which the homicides in Pennsylvania so largely arise. But allowing nothing for this, testing it simply by the number of homicides to population, and we find the crime of manslaughter in South Carolina seven or eight hundred per cent. more frequent than in Pennsylvania.

The criminal statistics of Pennsylvania for a series of years can be obtained at Harrisburg from the sworn returns of the court officers in the several

counties. These are all tabulated and published annually in a volume with other statistics, called "Report of the Board of Public Charities." In these reports will be found the number of indictments every year in every county, and for what crimes. The Pennsylvania system of preserving and publishing statistics upon all subjects relating to her internal affairs is very thorough. Nothing of moment is omitted.

The population of Pennsylvania is about three times that of Kentucky. If, in proportion to population, homicide in 1878 had been as frequent in the former State as in the latter, the total in Pennsylvania would have reached between six and seven hundred. Such a rate of killing would far exceed anything that happened during the operations of the Mollies, or the great strikes, or any other internal commotion that has disturbed Pennsylvania in very many years. So many murders and manslaughters would arouse public feeling to an intense degree, and if the fate of the Mollie assassins is any criterion, there would be several hundred hangings the year following such an epidemic of murder. Recently, in that State, five men were hanged for the murder of one, the victim being an old man named Rober, a German, living near Lebanon. Pennsylvania has much to her credit. She spends annually from eight to ten millions of dollars in the support of public schools; she has school and college property valued at over forty millions of dollars, and church property valued at over fifty millions of dollars, all a free-offering



from her citizens for the common good; but also worthy of praise is the wholesale way in which she swings murderers from the gallows, or incarcerates them in the penitentiary.

The majority of crimes against the person in Pennsylvania, as I have stated, are in counties having the largest foreign-born population. For the year ending October 1, 1878, there were received into the Eastern and the Western Penitentiaries of Pennsylvania one hundred and three persons convicted of all the various grades of crime against the person. A singular and striking fact in this connection is that fifty-three, or more than one-half of the total convicted, were from the four counties of Alleghany, Schuylkill, Philadelphia, and Luzerne, where live about two-thirds of all the foreign-born population in Pennsylvania. And in twenty-eight counties, embracing mainly the agricultural districts, where the foreign-born population is much smaller than in the mining regions,—in twenty-eight counties containing a population of over one million,—there was not during the year a single conviction for any species of crime against the person punishable by imprisonment in the penitentiary. This is indeed a most remarkable exhibit. Four counties with two-thirds of all the foreign-born population supply more than half of the total number convicted for crime against the person for the year, and twenty-eight counties with a million of population send not a single one! Comment can only weaken such an exhibit as this.

## CHAPTER X.

### HOMICIDE IN NEW YORK.

THE average annual number of murders and man-slaughters in New York State, outside of New York City, is about fifty among a population of over three and one-half millions. In a majority of the counties of the State the rate of homicide is no higher than in New England.

In New York City the number of homicides is about as great as in all the rest of the State. Indeed, in proportion to population, the rate is much higher than in Boston or Philadelphia, or other large cities of the North. The reports of the Board of Health of New York City give the homicides annually, with age and nativity of victims, and much other information, but do not distinguish between felonious homicides and such as were accidental. But this defect is reached by the reports of the Police Department. Between the two we find the annual average of felonious homicides to be about forty-eight. This is a very much higher rate than prevails elsewhere in the Eastern and Middle States, whether in city or country. It is partially accounted for, however, when the returns are examined. Of the 151 persons arrested in New York City charged with homicide during the twenty-one months ending Sep-

tember 30, 1879 (of whom 63 were discharged without trial) 78, or a little over one-half, were foreigners; 38 were natives of Ireland; 19 of Germany; 10 of Italy; 6 of England; 4 of France; and 1 of Sweden. It is a singular fact that New York City furnishes nearly one-half the murders committed in that State, and that Boston furnishes nearly one-half committed in Massachusetts.

In New York City the Italian population is comparatively small, yet for the time covered there was an average of one Italian arrested for murder every sixty days. It is the evidence of the prosecuting attorneys and judges that the Italians with their stilettos have done no little toward increasing the homicide rate in New York. Yet the Italian population in 1870 was but two thousand seven hundred and ninety-four. The reports of the Board of Health show an average of about fifty-three homicides annually in the city. This, however, includes those that are accidental as well as the felonious. The reports of the Police Department show an annual average of about fifty persons held to answer for the crime of murder and manslaughter. It sometimes happens, however, that two or more are held for the commission of one murder. Allowing for this, and it is probable that the actual annual average of felonious homicides in New York City is not far from forty-seven. Some years, however, it is below this. In 1869 the record of coroners' inquests showed thirteen homicides in Brooklyn and thirty-seven in New York, a total of fifty for the two cities, with an

aggregate of population of over one million three hundred thousand. In 1870 there were forty-five homicides in New York City. In 1871 there were fifty-three, not including those who fell in the Orangenmen's parade riot of that year. In 1874 there were fifty-nine. These, however, include cases of infanticide. It will be seen that the annual average is a little over fifty, including accidental homicides.

I have referred to the foreign-born population of New York as contributing largely to the homicide rate. Recently in sentencing an Italian for stabbing in New York, the judge gave him the longest allowable term in prison, and stated as a reason the number of such cases among the Italian population. For the twenty-one months ending September 30, 1879, there were ten Italians arrested in New York charged with murder and manslaughter. This was one to about every three hundred of Italian population. Had there been equally as many arrests for this crime among the native population the result would have been two thousand Americans arrested for murder and manslaughter in twenty-one months! But, as a matter of fact, only *seventy-three* American-born citizens were arrested for this crime, and nearly one-half of these were discharged without being held for trial. This shows very strikingly how the criminal calendar of New York City is augmented by her immense population of foreign birth. But they do not all contribute proportionately by any means. Out of a German population of at least one hundred and seventy thousand, there were but nineteen arrests

for murder and manslaughter in the time mentioned. Among an English and Irish population of at least a quarter of a million there were forty-four arrests for murder and manslaughter. This was, however, a considerably larger percentage than among the native Americans.

In the State of New York, including the city, and with a population of about five millions, the annual average number of murders and manslaughters is from one hundred to one hundred and ten. A majority of the interior counties show a rate of homicide not greater than in the counties of New England. Every year there are a dozen or more New York counties without a homicide. It is shown in the mortuary statistics collected with the last State census that there was not a homicide in the counties of St. Lawrence, Steuben, Seneca, Richmond, Rockland, Saratoga, Albany, Allegany, Putnam, Monroe, Cattaraugus, Lewis, Cortland, Franklin, Fulton, Montgomery, Oneida, Orleans, Essex, Schuyler, and Oswego during the year ending June 1, 1875. The aggregate population of these twenty-one counties is greater than that of some of the Southern States, yet in all of them, for the year covered by the returns, there was not a single homicide. Of course this is exceptional, but every year a dozen or more counties in New York can be found without a homicide. Outside of New York City the number is as few, in proportion to population, as the average in New England.

## CHAPTER XI.

### HOMICIDE IN IOWA, MINNESOTA, AND MICHIGAN.

I HAVE been unable to get the number of murders in Iowa with any degree of accuracy, but from collections from the newspapers and inspection of all available criminal statistics, I believe the annual average to be not far from forty. It is very easy in any State to get the number of convictions for murder and manslaughter annually, but these are of no value except as an approximation, and as they bear a proportion to convictions for other crimes. For the ten years ending with 1877 there was in Iowa an average of ten convictions annually for murder and manslaughter.

For the year ending October 31, 1874, there were thirteen hundred and thirty convictions for all classes of crime in Iowa, but largely more than one half of these were for "nuisance" and violations of the liquor law. For murder and manslaughter there were ten convictions. In the thirteen counties of Adair, Calhoun, Clay, Crawford, Dickinson, Emmett, Hancock, Humboldt, O'Brien, Palo Alto, Sac, Winnebago, and Wright, containing an aggregate population of over fifty thousand, there was not a single conviction for any offence.

In the year following, ending October 31, 1875, in

fourteen counties, with a population of nearly fifty thousand, there was not a single conviction for crime. The majority of these were new counties, and the conspicuous absence of crime is of itself a strong indication of the law-abiding character of the people. Two of these counties—Grundy and Hamilton—had an aggregate population of sixteen thousand, yet there were no convictions in a year for any crime whatever. The population of the other twelve counties run the aggregate up to near fifty thousand, but no convictions. Compare this with any fourteen new counties in Texas, and what a contrast! Yet these are both new States, and there is no reason why murder should be twelve or fifteen times more frequent in Texas than in Iowa, but it is. The homicide rate in Iowa among an equal population is not larger than in the neighboring States of Minnesota and Michigan, settled by the same class of people, and in a certain sense new States. The statistics of homicide in these two States we are enabled to get with reasonable accuracy, as I will show in another place. All that I have been able to collect in Iowa show an annual average about equal to these States, measured by population.

I have placed little faith in the vital statistics collected and returned in the United States census reports of 1870. They indicate a portion of the truth, but not all, as one will find on a closer investigation. The most that can be said of these vital statistics is that they approximate the truth without reaching it. But compare the new State of Iowa with the new State

of Texas, even as exhibited in these vital statistics. Iowa is mainly settled with people from the older Northern States, and Texas mainly with people from the older Southern States, each carrying their habits and customs with them. These vital statistics in the census report show *three hundred and twenty-three homicides* for the census year in Texas, and but twenty-four in Iowa. Yet Iowa had nearly four hundred thousand, the larger population. Making these figures a basis of calculation, and we find that had homicide been so frequent in Iowa, with her larger population, as in Texas, the number would have reached four hundred and thirty-eight! On the other hand, had homicide been as infrequent among an equal population in Texas as in Iowa, the total would have been but sixteen instead of three hundred and twenty-three. In Texas there was an average of one homicide to every two thousand five hundred population, and in Iowa one to every fifty thousand population, showing homicide to have been that year *twenty times* more frequent in Texas than in Iowa! Yet the homicides that year in Texas fell far short of the number I collected for the year 1878, namely, four hundred and one, or four hundred and twenty-three, allowing that a small percentage of the severely wounded died of their wounds. Taking one year with another, there is every probability that the homicides in Texas largely exceed an average of four hundred annually. Yet, measured by the relative population, the number in Iowa should be the greater, as she has the larger population. Instead



of that the census shows but twenty-four. Allowing that this falls short of the number, it cannot fall far short. From all I can gather from local accounts of homicides in the Iowa newspapers, and from inspecting the criminal statistics, I do not believe the annual average number of murders in that State exceeds forty, or possibly fifty.

Minnesota is another new State, settled mainly from the Northern States, and here we find much the same condition of things with respect to homicide. Although a new State, and a frontier State,—bordering upon the British Possessions,—the number of murders is but a small percentage above the number among an equal population in the Middle States. In the vital statistics of Minnesota there are annual collections of the number of deaths from all forms of violence, including murder. The system is the same as in Massachusetts, Vermont, and Rhode Island, but has not attained the accuracy of detail which characterizes the vital statistics of the New England States. But taking these statistics and the court criminal statistics together, and the number can be arrived at with accuracy. For the two years ending November 15, 1876, there were thirty-two prosecutions for murder in the first and second degrees and for manslaughter in that State, an average of sixteen annually. The vital statistics for 1874, 1875, and 1876 show thirty murders, an average of ten annually. That the number of persons prosecuted for murder is sometimes larger than the number of murders for a given time is patent, for it occasionally hap-

pens that two and even three are prosecuted for one murder. But allowing nothing for this, taking the highest numbers, and we find an average of sixteen murders annually in Minnesota. The population of this State is a little over one-half that of Texas. Were the killing of human beings by their fellow-men as frequent in Minnesota among an equal population as in Texas, the average would not be sixteen annually, but over two hundred! Can any rational explanation be given why the crime of murder in these two comparatively new States should bear to each other such a disproportionate ratio? These are typical new States,—the one settled largely from the older Southern States, the other from the older Northern States. Wherever the two civilizations are brought in contrast with respect to crime against the person, we find results similar to those here given. It is not confined to Minnesota and Texas any more than to Massachusetts and South Carolina, and Pennsylvania and Kentucky. The murder rate in the new State of Texas over the murder rate in the new State of Minnesota bears about the same proportion as the murder rate in the old State of South Carolina over the old State of Massachusetts. Compare these two civilizations when you will, taking a year or a series of years together, and approximately the same results are reached with respect to crime against the person, but not as to crime against property. It is generally estimated that where murder is frequent, all other crimes are proportionately so. But this is not true in the South. Crime against property is prob-

ably even less frequent in the Southern States than elsewhere.

The annual average number of felonious homicides in Michigan is about forty. By the State census, 1874, Michigan had a population of one million three hundred and thirty-four thousand and thirty-one, or about equal to that of Kentucky. From the report of the Attorney-General of Michigan for nine months of the year 1873, ending October 1, it is learned that there were twenty-seven persons prosecuted for murder and manslaughter. Allowing the same rate for the remaining three months, and the total would be thirty-six for one year. This does not include three prosecutions for abortion. For the year ending December 31, 1875, there were forty-two persons prosecuted for murder and manslaughter. For the year 1875 there were also forty-two. For the year 1877 there were thirty-nine. This gives one hundred and seventeen in three years, an average of thirty-nine annually. In several instances two persons were prosecuted for one murder, and in a few instances three were prosecuted for one murder; but chances for error in the aggregate are few, for while it sometimes happens that there are a few murders annually with no one prosecuted, it also happens that two, three, and sometimes four are prosecuted for one murder; and, on the whole, the number of prosecutions for murder in a law-abiding community is a reasonably correct indication of the number of murders. Measured by these figures, we find the annual average in Michigan, among over a million and a quarter of

population, to be thirty-nine. In examining the criminal statistics of Michigan, we find that annually in more than one-half the counties there are no murders during the year. The annual average number of murders is only about one-half the number of counties. Every year counties can be found, containing an aggregate population of two or three hundred thousand, without a murder happening among them during the time. This is true of almost every Northern State the criminal statistics of which I have examined. In many of them there are every year counties, containing an aggregate of half a million of population, without a murder. In Michigan, for the nine months ending October 1, 1873, there were forty-six counties in which no one was charged with murder. The twenty-seven cases all arose in twenty-five of the larger counties having the largest percentage of foreign-born population, leaving forty-six counties without a murder or a manslaughter case on their court dockets. The total number of murder and manslaughter cases in the courts of Michigan average but a trifle over one case to each county every two years. Some of the counties show very small criminal dockets indeed, corresponding with the lightness of criminal business in several Iowa counties before referred to. In one of the Michigan counties, for the time first mentioned, there was but one criminal prosecution, and that a case of simple assault and battery. In another but three,—one assault, one burglary, and one the unlawful sale of liquor. In another county there were but three light cases on

the criminal docket, and in still another but one. Of course these cases of light criminal dockets are exceptional, but the comparatively small number of indictments for murder and manslaughter in proportion to population is not exceptional. It is found to be true year after year. Indeed, every year more counties can be found in Michigan without a murder or manslaughter case on the criminal dockets than counties in which such cases arise during the year. In other words, the counties without murder cases are yearly in the majority.

## CHAPTER XII.

### HOMICIDE IN OTHER STATES—VERMONT, RHODE ISLAND, MAINE, LOUISIANA, MISSISSIPPI, ETC.

VERMONT and New Hampshire are the most distinctively American of any of the Northern States,—that is, the percentage of foreign-born population is smaller. And they are, in respect to taking human life, the model American communities. In Vermont, including those killed by the insane, there is less than an average of two homicides annually. During the years 1869, 1871, 1872, 1874, and 1875 there was not a homicide in Vermont. In 1873 there was one, and in 1866 and 1870 there were two each year. The average, however, is less than two annually among nearly three hundred and fifty thousand population. In Bennington County, containing about the same population as Madison County, Kentucky, previously referred to, there was not a homicide in eleven years, beginning with 1866. In Addison County, with a population of about twenty-four thousand, there was also not a homicide in eleven years. Indeed, in three of the Vermont counties there was not a homicide in eleven years, which covers the period of which I have the records. In Caledonia County, with a population of twenty-three thousand, there was not a homicide in ten years, beginning

with 1866. In Chittenden County, with nearly forty thousand population, there was only one homicide in eleven years, ending with 1876. In Washington County, with twenty-seven thousand population, there was but one homicide in eleven years. In Windham County, with twenty-six thousand population, there was not a homicide from 1867 to 1876. In Windsor County, with thirty-six thousand population, there was not a homicide from 1868 to 1876. In Rutland County, with over forty thousand population, there was not a homicide in eight years. In Orange County, with a population of twenty-three thousand, there was but one homicide in nine years. In the two counties of Essex and Grand Isle there was but one homicide in eleven years. These statistics could probably be brought down to a later date with about the same result, but I only have the official reports for eleven years, beginning with 1866. This, however, is a fair average period. From what I have gathered of the criminal statistics of Vermont, it is apparent that there are counties in that State of twenty thousand or more inhabitants that do not have within their borders an average of more than one murder in a quarter of a century! Indeed, in all the counties of the State, with nearly three hundred and fifty thousand population, there was but one homicide during the *five years* ending with 1875! These were an exceptional series of years, but the average, taking ten or twelve years together, is less than two annually.

Compared with the rate of homicide in the South-

ern States what a striking contrast is here presented! In several of the Southern States there are single counties where more men are murdered in one year than in all the fourteen counties in Vermont in ten years! And also single counties, of less population than the average Vermont county, where more men are wounded by shot and stab in twelve months than in all the counties in Vermont in ten years! In Kentucky alone there are counties, of less population than the average in Vermont counties, where more men are murdered and more men wounded by shots and stabs in twelve months than in the State of Vermont in ten years.

Such contrasts as these lead us to the conclusion that murder and manslaughter, shooting and stabbing, is unnecessarily frequent in the Southern States, and might be curtailed by the rigorous enforcement of law without disadvantage.

In Rhode Island the average annual number of homicides is three. The population is over a quarter of a million, which is less than that of Vermont, but the number of foreign-born citizens is larger, and a majority of the homicides in Rhode Island are among this class. During the three years, 1875, 1876, and 1877, there were nine homicides in Rhode Island (and one infanticide), an average of three annually. Of the three in 1877, two were foreigners. Of the four in 1876, three were foreigners. Among native Americans in Rhode Island the number of homicides do not average above one annually to one hundred and fifty thousand population.



In the three smaller States of New England,—Rhode Island, New Hampshire, and Vermont,—with an aggregate population of nearly one million, the annual average number of homicides is not above seven.

In Maine, with nearly seven hundred thousand population, the annual average of felonious homicides is eight or nine. There is no way to get the number, however, except from the indictments in the courts, but this is not exactly accurate in every instance, for often in Maine a criminal prosecution is carried over from one year to another, and counted as a separate prosecution in the official reports each year. Making allowance for this, and probably the actual average number of felonious homicides annually in Maine is about seven, or possibly eight.

The population of Maine and that of Louisiana is not greatly different, the latter State having about fourteen per cent. the larger number. A contrast between the two States as to the number of crimes against the person is very striking. For the year ending November 1, 1876, there were but eight murder and manslaughter cases on the criminal dockets of all the courts in Maine. The year following there were eleven, two at least having been brought over from the previous year. For the same year in Louisiana (1877), with four of the eighteen judicial districts omitted from the Attorney-General's report, there were one hundred and twenty murder and manslaughter trials. (Report Attorney-General for 1877.) This is made up of the separate reports of the dis-

trict attorneys. Estimating the four districts omitted at the same rate as those from which reports were received, and it would give thirty-two additional, making one hundred and fifty-two trials for murder and manslaughter in Louisiana in one year! During the same time there were but nine persons tried for murder and manslaughter in Maine. So far as we can judge from this, murder and manslaughter is about *fifteen hundred per cent.* more frequent in Louisiana than in Maine.

The indictments for assault with deadly weapons show an equally striking disproportion. In fourteen of the eighteen judicial districts in Louisiana in 1877 there were three hundred and one indictments found, and prosecutions instituted for the various and several offences of shooting with intent to kill, stabbing with intent to kill, assault with intent to kill, wounding, etc. The offences are differently specified in the different districts, and could properly all be classified, as in Maine, under the general head of assault with felonious intent. Estimating the four districts not reported at the same rate, and it gives three hundred and eighty-one deadly or felonious assaults coming within jurisdiction of the courts in one year. These are simply the prosecutions commenced during the year, and not such as were on the dockets from previous years. Against three hundred and eighty-one felonious assaults in Louisiana in one year there were in Maine during the same time but twenty-seven! (Attorney-General's Report, Maine, for 1877, page 16.) From these returns, and

they are official, we find murder and manslaughter and assault with deadly weapons to be about fourteen hundred per cent. more frequent in Louisiana than in Maine. The year 1877 is a fair one for comparison, as there were no unusual disturbances in either State. The great preponderance of crime against the person in one State over the same class of crime in the other indicates very clearly the difference between communities where the carrying of deadly weapons is a habit and where it is not; where personal combat with weapons is frequent and where it is very rare; where so-called insults are liable to lead to deadly difficulties and where they are not.

In Maine, in 1877, there were ten counties with a population of over a quarter of a million without a single case of murder, manslaughter, or infanticide during the year. This happens repeatedly. There is, indeed, hardly a year but what an absence of homicide is noted in from one-third to one-half of the counties, aggregating from two to three hundred thousand population.

It is a singular fact that the number of murder trials in Louisiana in one year lacked but two of being as many as the annual average in the four States of Maine, Pennsylvania, Michigan, and Minnesota, with a population of over seven millions. The annual average number of trials for murder and manslaughter in these four States is one hundred and fifty-four (and in this average are included all the Mollie Maguire murder trials in Pennsylvania, which swells the average beyond what it otherwise would

be), while in Louisiana we find one hundred and fifty-two in one year. The population of Louisiana is about one-ninth or one-tenth that of the States named.

To show the non-political character of a majority of Louisiana murders, Mr. Nordhoff, the well-known author, made some collections from official documents in that State a few years ago. He found records of 354 homicides in 14 parishes in seven years. There are in Louisiana 57 parishes. Estimating the others at the same rate, and it would give 1425 homicides in seven years, or an average of over 203 annually. Probably this is not far from the average annual number of homicides in Louisiana. In proportion to population this is many more than we find in Kentucky or South Carolina, as the population of Kentucky is nearly double that of Louisiana. The same rate since the war would give in Louisiana over three thousand homicides.

During the investigation of alleged frauds in the Louisiana election of 1876, a record of coroner's inquests in the parish of West Feliciana was put in evidence by the Democrats (and published in the testimony) to prove that the murders complained of by the Republicans were not, in fact, political murders. This coroner's record shows that from July, 1875, to November, 1876, there were in that parish no less than twenty-one homicides. Six of these were cold-blooded assassinations "by parties unknown," as returned by the coroner. The population of the parish in 1870 was ten thousand four

hundred and ninety-nine. We find, therefore, that felonious homicide during the period covered was at about the rate of one annually to every seven hundred inhabitants!

A contrast between Maine and Mississippi would probably show equally striking features, if it were possible to get the number of homicides in the latter State with anything like accuracy. But this I have not been able to do. Were homicide no more frequent in Mississippi than in Maine, allowing for difference in population, there would not be above eleven annually in the entire State. But there are often, in a given period, more in a single county in Mississippi than in the entire State of Maine. It is a question if there have not been double as many homicides in Warren County, Mississippi, since the war, as in Maine. When Dent was killed by Burton in Vicksburg, in April, 1879, it was stated in the local account that "Dent is the fourth man killed here in six weeks." One-half as many homicides in Vicksburg in six weeks as in Maine in a year!

Speaking of the frequency of homicide in Mississippi, the Vicksburg *Herald*, the leading paper in the State, says, January 7, 1880:

"Since our arguments a few days ago in favor of a change in our jury system, a more potent one has been written in blood by the pistol, the rifle, and the shot-gun. On last Saturday five persons were shot in this county, one dangerously wounded, two painfully wounded, and two killed. All the affairs occurred about the merest trifles. Two men were

killed and one shot about quarrels that originated about the opening of doors, and two were shot in a difficulty that came of a pitiful debt of a few dollars. In a healthy state of society such things could not occur."

As many men shot in Warren County, Mississippi, in a single day as in some of the New England States in two years! That but two were killed outright does not make the matter better. The attempt in each case was to kill. I have been unable to collect the number of homicides in Mississippi, as I could find no record of them except in the newspapers, and no half-dozen papers in the State seemed to have them all. As in most of the Southern States, there is no single newspaper that publishes even the briefest accounts of all the homicides. In Georgia, for instance, files of the three leading dailies in different parts of the State will have accounts (mostly very brief and clipped from the country press) of all, or very nearly all, the homicides in the State, but no single paper has them. This can be verified at any time, and is true of most of the Southern States.

The Vicksburg *Herald* of May 25, 1879, expresses the belief that there is an average of a murder a day in Mississippi. When in that State, with access to all information, I have known the number of murders to average one daily for months at a time, but taking one year with another, the average is probably less. A murder a day in a State containing but a little over half the population of Massachusetts, for instance, is an awful rate of human slaughter, and not ex-

plained by any known habits and customs which govern civilized society. In the article referred to above, May 25, 1879, the Vicksburg *Herald*, a courageous and outspoken journal, when dealing with evil, says:

"Our citizens have deprecated, deplored, denounced, published, and done everything but take the law in their own hands, yet crime increases. It was bad last year; it is worse this. *We positively believe that Mississippi averages one murder per day*, and we have, perhaps, better means of securing information than almost any other person in the State. We have published, published, and published, until we are sick of it, yet we have not published nearly all of the lawlessness that has occurred. There is something radically wrong, and the people one and all must agree that the wrongs shall be righted." The italics are my own.

There is no reason why murder should be more frequent in Mississippi than in Maine or Minnesota, for instance. Wherever in the Eastern and Middle and Northwestern States I have been able to get the nationality of men-slayers, I have found the crime more frequent among the foreign-born citizens than native Americans. In Minnesota, out of eleven murders in one year, eight were among foreign-born residents. But in Mississippi, in 1870, out of a total population of over three-fourths of a million only about one and one-half per cent. were foreign-born. It cannot be said, therefore, that the foreign-born citizens are a factor in the homicide rate in Mississippi. So far from the foreigners being the

cause of so much murder, it is more probable that so much murder accounts for there being so few foreigners. Allowing for the absence of foreign population, and measured by the rate of homicide which prevails in the Eastern and Middle States among native Americans, and there should not be more than seven to nine homicides annually in Mississippi. This is quite enough. But an average of a homicide a day, or one-half that number, in a State of so small population as Mississippi, means positive danger of a relapse into barbarism. In this matter, as in others, society either goes forward or backward. It is not stationary. We find in Massachusetts, where the record of homicides has been kept with accuracy for a series of years, that this crime is not increasing. That is, the percentage of murders to the total population has decreased. The police records of Boston show the same, independent of the State record. Taking the five years from 1869 to 1873, inclusive, and the five years from 1874 to 1878, inclusive, and murder decreased in Boston ten per cent., while population increased at least eighteen per cent. This is substantially true of all Massachusetts, as I have shown in another place. As the civilization of a people is largely measured by their respect for human life, it follows that a constant, yearly increase in the number of homicides in a given locality would indicate that society, at the best, was not improving.

In the South, if the exact truth could be known, it is probable that the condition of society in the cities has been improving with respect to the taking of human



life. But in the rural regions the shootings and stabblings and "personal difficulties" and affrays are as frequent and deadly as ever. What change there is is for the worse, and will continue so until a more enlightened and energetic public sentiment is aroused than has yet been found to exist. What is needed is a sentiment against stabbing, for instance, as strong as that which pervaded England two hundred years ago, and which impelled the law-making power to affix the penalty of death to the crime. In the darkest night of England's history, so far as we have record, stabbing was not as frequent as it is to-day in the Southern States, but the population being more concentrated, and a very much smaller area covered, the cases were brought nearer home to the people and the aggregate seemed very large, as indeed it was. The effect of this stringent law was to comparatively obliterate this barbarous method of settling disputes. A great deal can be done by vigorous legislation. The bowie-knife has been nearly legislated out of existence in most of the Southern States. A large pocket-knife or a dirk is nearly as deadly, but the simple fact that disembowelling with bowie-knives is not one-fifth as frequent now as twenty-five years ago shows what can be done. It may be said that the pistol supplies the place of the bowie-knife. This is measurably true. But is it not possible to legislate against the pistol until there is, at least, a modification in its use?

Speaking of the condition of society in Mississippi in 1861 (writing at Jackson, June 16, 1861, and printed

page 114 of his "Diary"), Mr. W. H. Russell, correspondent of the London *Times*, says,—

"When my work was over I walked out and sat in the shade with a gentleman whose talk turned upon the practices of the Mississippi duello. Without the smallest animus, and in the most natural way in the world, he told us tale after tale of blood, and recounted terrible tragedies enacted outside of bars of hotels and in the public streets close beside us. There may, indeed, be security for property, but there is none for the life of its owner in difficulties, who may be shot by a stray bullet from a pistol as he walks up the street.

"I learned many valuable facts. I was warned, for example, against the impolicy of trusting to small-bored pistols or to pocket six-shooters in case of a close fight, because, suppose you hit your man mortally, he may still run in upon you and rip you up with a bowie-knife before he falls dead; whereas if you drive a good heavy bullet into him, or make a hole in him with a 'Derringer' ball, he gets faintish and drops at once.

"Many illustrations, too, were given of the value of practical lessons of this sort. One particularly struck me. If a gentleman with whom you are engaged in altercation moves his hand towards his breeches-pocket, or behind his back, you must smash him or shoot him at once, for he is either going to draw his six-shooter, to pull out a bowie-knife, or to shoot you through the lining of his pocket. The latter practice is considered rather ungentlemanly,

but it has been somewhat more honored lately in the observance than in the breach. In fact, the savage practice of walking about with pistols, knives, and poniards, in bar-rooms and gambling-saloons, with passions ungoverned, because there is no law to punish the deeds to which they lead, affords facilities for crime which an uncivilized condition of society leaves too often without punishment, but which must be put down or the country in which it is tolerated will become as barbarous as a jungle inhabited by wild beasts."

Moralizing upon these facts, he says, quite truly:

"The most absolute and despotic rule, under which a man's life and property are safe, is better than the largest measure of democratic freedom, which deprives the freeman of any security for either. The state of legal protection for the most serious interests of man, considered as a civilized and social creature, which prevails in America, could not be tolerated for an instant, and would generate a revolution in the worst-governed country in Europe. I would much sooner, as the accidental victim of a generally disorganized police, be plundered by a chance diligence robber in Mexico, or have a fair fight with a Greek Klepht, suffer from Italian banditti, or be garroted by a London ticket-of-leave man, than be bowie-knifed or revolvered in consequence of a political or personal difference with a man, who is certain not in the least degree to suffer from an accidental success in his argument."

In another place I have referred to homicides in

Vicksburg. Among notable recent instances of slaughter in that town was the killing of Len and Douglas Clark, two brothers, who were shot dead on Washington Street by one Bolton. The evidence is that these brothers Clark were estimable young men, beloved by the community, and the idols of their family. Washington is the principal business street of Vicksburg, and it seems that the killing of the Clark brothers in February (1880) made the eighth man shot dead on this street within a year! In addition to those killed there were, as we are informed, eight others dangerously wounded, and twenty-one assaults with attempt to kill! All this on one street, in one year, in the little city of Vicksburg. These facts are given by a writer in the Vicksburg *Herald* of February 28, 1880, who says, referring to the killing of the Clark brothers,—

“The tragedy of last Friday evening has spoken not only to the passion and resentments of the friends of the murdered boys, but it speaks also, and with the voice of thunder, to the heart of every father and of every mother in this devoted little town. It rings into the innermost recesses of the heart of every loving sister, and the question propounded to every family in this place is, ‘Who next?’ Whose darling boy, whose beloved and idolized brother shall be the next to be brought home dead? Will he be my neighbor’s son across the way? Will he be the son of the widow who lives next door?

“Turn back one leaf in the book and read the page which records the shootings on Washington Street

during the last year. There have been eight slaughters outright and eight more have been wounded dangerously. There have been twenty-one other attempts to kill. Of all these, the slayers and the slain, the shooters and their victims, were armed—except Len Clark—with concealed deadly weapons, so that it does not appear that these hidden instruments of death carry with them any protection against murder or assassination.”

This puts the uselessness of carrying concealed weapons in a very strong light. The carrying of arms does not prevent murder, but causes it. In New England and rural New York, among a population equal to that of Vicksburg, there is but an average of one homicide every seven or eight years. And this includes murders by the insane, and in fact every class and degree of homicide. In Albany, New York, with nearly one hundred thousand population, there is less than an average of one murder or manslaughter annually. There are counties in New England more populous than Warren County, Mississippi, with less than an average of one murder every ten years. But the average in all these States is as I have stated. The comparison is perfectly plain and fair, and can be understood by all. From it the people of Vicksburg can see how largely human slaughter is overdone in their city. Measured by homicide among an equal population in Eastern States, there should have been in Vicksburg not over two homicides in the fifteen years since the war.

Besides the loss of life and the unspeakable dis-

tress to families, these street-affrays with deadly weapons are extremely demoralizing. Boys imitate their elders, arm themselves for self-defence or to resent so-called insults, and season themselves to deeds of violence. Growing up in such an atmosphere their moral sense becomes blunted, and they never know, from their surroundings, what a peaceable and law-abiding community is or should be. The much travelling of a wrong road never leads to the right one, and the boy forming the habit of wearing arms and cultivating resentments in his youth will be apt to so continue through life. Not that he has murder in his heart, or intends to take life, but, living in a community where "difficulties" are frequent, he arms himself so as to be prepared in case he is involved in one. The whole system or custom that sanctions this is radically and totally wrong. Most evils have some sort of compensation, but this has none. There are in the Northern States many little cities, counties, and communities equal in population to Vicksburg where there has not been a homicide in twenty years. No one will claim that the citizens living in communities that are so very rarely shocked with a case of homicide are any the less happy on that account. The man who has been engaged in half a dozen "difficulties" and fairly curved his spine carrying pistols, will hardly claim that he or society of which he is a part is the happier because of this custom.

One wonders why murderers are so often acquitted by juries in Mississippi. Not many years ago, in one of the counties of that State, a murderer was being

tried. An ex-sheriff of the county told me that the defendant would be acquitted. He spoke with confidence. I asked why. He replied that he was acquainted personally with every man on the jury, and that a majority of them had been engaged in what he called "killing scrapes" themselves. Having been sheriff of the county he was personally cognizant of each case.

In a recent murder case in Kentucky it was widely published (but I do not know with how much truth) that five of the twelve jurymen had each killed his man in "difficulties" anterior to the one they were sitting in judgment upon. The result was a hung jury.

Recently, in one of the many murder trials in South Carolina, the jury "hung" not the defendant but themselves; that is, they failed to agree. It was a clear case of murder,—an unarmed man stabbed to death in the public streets. Much surprise was expressed that the jury should fail to agree. The sequel shows that the jurymen who would not agree to a conviction were themselves murderers, and when tried had been saved by the defendant in the more recent murder case, who was then himself on the jury! A South Carolinian, in detailing this to me, suggested that it was only putting in force the old doctrine that "one good turn deserved another."

The demoralization and injury to society by such easy and frequent acquittals for murder I will refer to more in detail in another place. In his book on the Chisholm massacre, lately published, Mr. Wells, the

author, in a chapter upon murder in Mississippi, gives the following incident:

“Not many years ago, not far from the city of Jackson, while travelling on one of the railroads leading into that place, a lady, still wearing the widow’s weeds, entered one of the coaches, leading by the hand a little boy six or eight years of age. After taking a seat her eyes soon became fixed upon a gentleman, well dressed, and apparently in the full enjoyment of life and all its attendant blessings, who was seated in another part of the car. Remaining with her gaze for a moment upon him, she arose from her seat, still leading the boy, and advanced directly in front of the object of her attention, pointing her finger full in the man’s face, in a clear and distinct voice thus addressed her child: ‘My son, there sits the one who murdered your father!’

“What a volume of condemnation and reproach is contained in this brief sentence of that widowed mother! and what a commentary is it upon a state of society that winks at and tolerates such outrages and suffers them to go unpunished! How many widows and orphans, made so by the unrestrained hand of violence, there are in Mississippi to-day God only knows. . . . Before me, as I write, lie four different papers, all published within one week, in remote and separate parts of the State, and each one reciting the details of a local tragedy, the most hideous and diabolical. And by whom are these murders committed? By men who are at once branded as outlaws and enemies of their race and kind? Not at all! Are



they at once hunted down by the officers of the law, backed by an indignant and outraged populace, arrested and confined in jail, there to await speedy trial and execution at the end of the law? No! . . . Hence it is that in every town and neighborhood may be found men who walk the streets and boast of having killed their man. The writer can call to mind nine of the class last named whom he meets on the streets every day." (Pages 259-262.)

The usual way of disposing of a murderer in Mississippi is about this: He kills a man in a street-fight or otherwise, but it is usually a street-fight or bar-room affray. He is arrested. The examining magistrate fixes his bail, usually from five hundred to three thousand dollars, "which he promptly gives," in the stereotyped language of the local papers. The case is continued through a few terms of court. The grass grows over the grave of the slain. It is watered by the tears of the widow and the orphans. Public interest dies out. Some of the witnesses move off. There are a few more continuances to give other witnesses a chance to move around and see the country. The witness, however, who heard the deceased "make threats" about the defendant never moves away. He is not of a roving turn of mind. Finally a trial is reached. Major A. and Colonel B. and General C. appear for the defendant. A jury is selected. If there is a murderer or two, or half a dozen on it, all the better. There is a "fellow-feeling," especially in the region of the neck. The witnesses are examined. It is proved that the deceased

was seen to "reach around behind him as if to draw a pistol," or that he started home presumably to get his shot-gun. The defendant had his with him. The case is argued. Authorities are cited. The defendant is acquitted.

Generally, in the South, it is not held to be necessary to prove that the defendant made every reasonable effort to get out of the way rather than kill. In the life of Judge Linton Stephens, of Georgia, lately published, it is stated that he "thrilled the spectators" present by exclaiming from the Supreme Bench (where he presided as judge), "Thank God! there is no *running* law in Georgia!" It was a murder case, and Judge Stephens plainly intimated that the law as construed in Georgia did not require a man to run to keep from staining his hands with blood. In the biography referred to we are told that "those present when it (the decision) was delivered can never forget how Judge Stephens thrilled the audience by the awful grandeur of his manner when he uttered the words, 'Thank God! there is no *running* law in Georgia!'" (page 169, Waddell's "Life of Stephens"). Unfortunately, there is very little "running law" in any of the Southern States, or there would be fewer homicides. Strict proof that the defendant made every effort to keep out of the way, rather than kill, is not required. Among other incidents in the legal life of Judge Stephens is mentioned (page 361) his defence of a man in Hancock County for murder. The defendant had been called "a dog" and other epithets, but had not been threatened with bodily

harm. Nevertheless, *two hours afterwards* he sought and attacked his victim with a pistol, and killed him. The murderer was not in bodily danger. He was seeking revenge for having been slandered. The defence was the great provocation of having been called "a dog," and other epithets; and further, that the defendant, in beating the deceased over the head with a loaded pistol, did not intend to kill him, but that the pistol exploded "accidentally." The jury returned a verdict of "not guilty." The ground for this verdict was the great provocation of words, and that when deceased was attacked and was being beaten over the head with a loaded pistol, the pistol accidentally exploded, and he was killed.

In the Savannah (Georgia) *News* of March 17, 1877, is the following paragraph:

"Butts County again comes to the front with another case of homicide, making the fifty-ninth since the war. Two young men named Thompson killed a man named Mason on Saturday, near Worthville, in Butts County. The Thompsons accused Mason of undue intimacy with a kinswoman. The Thompsons were arrested and jailed."

Butts is a small county with a population of about seven thousand. Among this population we are informed that there were fifty-nine homicides from 1865 to 1877,—twelve years! This is an average of about five annually in the county, or one annually to each fourteen hundred inhabitants. In other portions of this work I have indicated many counties in the agricultural regions of the Northern States

where the average was much less than one murder annually to one hundred and fifty thousand inhabitants. But here is a single county in Georgia, with a population not much above the average in Northern townships, with more homicides in twelve years than occurred in the same time in two New England States! This cannot be laid to the "foreign element," as the total of foreign-born citizens in Butts County in 1870 was but fourteen. Apply the Butts County homicide rate to Georgia, and the number of homicides would be about eight hundred annually, or over twelve thousand since the war. But this is, of course, too high. The annual average in Georgia is probably not higher than among an equal population in South Carolina.

In Alabama the condition of matters with respect to taking human life is about the same as in the other Southern States. The Wetumpka (Alabama) *Central Alabamian* of October 7, 1879, states that there had been ten men murdered in four counties in twelve months, and exclaims, "Is not this a terrible state of public morals, and as long as juries sympathize with murderers where is this lawlessness to stop?" But it happens that the four counties referred to have a population of about ninety thousand, which gives but one homicide per annum to every nine thousand population. While this is some eight times greater than in the Eastern States, taken as a whole, yet it is less than the average in many Southern States, taken as a whole. But it is bad enough. A majority of the homicides in the Southern States are not such as

attract public attention. The percentage of cases among citizens of local prominence and social standing is small. The majority of homicides are among the lower order of society, and very few of them are made the subject of lengthy account even in the nearest newspapers, and still fewer have even mention in the general despatches.

Before and during the construction of the Cincinnati Southern Railway from Cincinnati to Chattanooga, I passed over the line two or three times on horseback. The number of homicides along the route of that road during its construction through Kentucky and Tennessee I believe to be equal to half the length of the road measured in miles,—that is, for every two miles of road there was a man murdered in the vicinity of the line. Nine-tenths of these homicides were useless and unnecessary, and grew out of the vicious system under which men are influenced to shoot and stab when they quarrel, and especially if intoxicated. A few years ago I happened to be at the point where this road, then building, crosses the Tennessee River. A dead man lay in a little cabin by the river-side. His physical outlines showed strength and muscle, and his features, even in death, were not devoid of beauty. A wound, fringed with his heart's red blood, was in his breast. He had been stabbed. And what, think you, caused this murder? A dispute between two intoxicated men about the possession of a five-cent pipe! They were not enemies. The testimony was that they were friends and companions, and that this quarrel, which cost one his

life and made the other a fugitive from justice, arose by the merest accident. Both were drinking; one missed his pipe, accused the other of having it; they clinched, and one fell with a knife-wound in his vitals. The coroner of the county, Mr. Allison, was present, and told me that this was the third man murdered at this point within a year. Yet measured by the average number of homicides among an equal population in the Eastern States, there should not be within the borders of Hamilton County (Tennessee) more than an average of one homicide in four or five years, and certainly not above six in a quarter of a century. If homicide were not more frequent than in Vermont and New Hampshire, for instance, one homicide in twelve years would be about the average in Hamilton County.

Vermont and Eastern Tennessee bear a striking resemblance to each other. The population is nearly the same, and composed very largely of native Americans. Both are mountainous, and neither densely populated. Both in politics are Republican, with the largest freedom of sentiment and expression. The pursuits of the people are mainly agricultural. There can be no reason why murder should be more frequent in Eastern Tennessee than in Vermont. Indeed, one would naturally look for about the same rate of crime in the two communities, as the outward conditions are all so similar. Thirty-four counties compose what is known as East Tennessee. Were homicide as rare as in Vermont in proportion to population, there would be an average of only one

homicide in each county in East Tennessee every twenty-two years!

The vital statistics, census of 1870, show within a fraction of three times as many homicides in Tennessee as in all six of the New England States combined, and twice as many as in Pennsylvania, with three times the population. These vital statistics will be referred to more in detail in another place. During the year 1878 there were twenty homicides in Massachusetts, yet the *Nashville American* for the month of December of that year contains accounts of eighteen Tennessee homicides, and two persons believed to be mortally wounded, which, if they died, would bring the number of homicides in that State in thirty days up to the number happening in Massachusetts during the entire year among a population a quarter of a million larger than the population of Tennessee. But no single newspaper in Tennessee contains accounts of all the homicides in that State. The *Nashville American* comes as near it as any other, but it falls many short. Among those mentioned in December are two which reached the paper through the accidental medium of a private letter. An item printed December 24 says, "A private letter received from Hardeman County says, 'A terrible affray occurred at Whiteville Thursday night, in which Dr. William Neely and James Mitchell killed each other. Pistols and differences of opinion were the causes which led to this bloody affray.'"

The homicides happened nearly a week before

even this mention was made of them, and the whole matter is dismissed with four or five lines. This does not arise from laxity in the collection of the news, for the *American* is one of the best of Southern newspapers; but homicides are so frequent that it is only now and then a case attracts much attention outside of the very narrow circle where it happens. In the Northern States nearly every homicide is announced in the general despatches, and telegraphed over the country in the press reports. In the South but a small percentage of the aggregate homicides are mentioned in the general despatches, and the space given such occurrences in the local press is comparatively very small, unless people of some local prominence are involved.

The population of Tennessee is about equal to the population of Massachusetts, outside of Boston. Were homicide no more frequent in Tennessee than in the Massachusetts counties outside of Boston, there would be in Tennessee an average of but ten or twelve homicides annually, which, considering that the population is almost entirely American born, is as many as should reasonably be looked for. The foreign-born population of this State does not amount to two per cent. of the total. In Massachusetts largely more than half the homicides are among the foreign-born population.



## CHAPTER XIII.

### CENSUS VITAL STATISTICS.

THE vital statistics collected with each Federal census throw some light on this subject, although these statistics are very imperfect. But, imperfect as they are, they show very clearly the great prevalence of homicide in the Southern States compared with the Northern. It is calculated that the census returns of 1870 reached less than two-thirds of all the deaths which occurred during the census year, and that the deaths by violence were as imperfectly reported as the rest. It is clearly impossible to get all the deaths from homicide in a given period by confining the collection to careless enumerators, who make up their report from the memory of those whom they consult. Unfortunately, the census of 1880 promises to be equally unsatisfactory in this particular. In addition to collections by enumerators, physicians, who will willingly do so, are to keep a record of deaths in their practice, and return the same to Washington. In the matter of diseases these returns will be reasonably complete, but not as to violent deaths. Ordinarily, no physician is called to a man shot dead in a "difficulty," or otherwise, and the case will therefore not be recorded in the returns for the year forwarded to Washington by

“physicians in attendance.” Hence the statistics of violent deaths in the census will be very imperfect, from the simple fact that, ordinarily, no physician is called to a man shot dead, and therefore no record will be made in these returns. If, however, he is wounded, becomes the patient of a physician, and dies within the census year, the death will be recorded.

The statistics of homicide in the several States, as returned in the vital statistics, census of 1870 (vol. ii.), are not worthy of full credence unless sustained by collateral testimony. I have not placed reliance upon them in the material gathered for this book, but depended upon other and more reliable sources of information. Nevertheless, these statistics are confirmatory of the facts reached through other sources. For instance, I find the annual average number of homicides in New England to be from forty-seven to fifty. The number returned in the census report for one year is forty-one. The New England States are so densely populated and murder so comparatively rare, that but few instances would be apt to escape the enumerators' attention. But in the more sparsely-populated Southern States, where murder is from seven to fifteen times more frequent, many cases would naturally escape attention.

But assuming, for an instant, the correctness of the census statistics in relation to homicide, and the result is largely confirmatory of my own investigations. The population of the six New England States in 1870 was very nearly three million five hundred thousand. Among this population forty-one homi-

cides were reported during the census year. Selecting a group of the older Southern States of about equal population, to wit, Georgia, Florida, Tennessee, and North Carolina, and there were three hundred and twenty-six homicides reported. Among an equal population, therefore, in these two groups of older States we find homicide about eight times more frequent in the Southern than in the Northern group. But make another comparison among States of nearly equal population. In 1870 the population of two Middle States, Pennsylvania and New Jersey, was very nearly equal to that of the five Southern States,—Alabama, Georgia, Kentucky, Louisiana, and Florida. In the Northern group there were sixty-five homicides reported, and four hundred and fifty-three in the Southern group, showing homicide to be about seven times more frequent in the Southern group of States than in the Northern group of about equal population. Take a group of Northwestern States and compare with an equal population in the Southwestern and Southern States. In 1870 Wisconsin, Iowa, Minnesota, and Michigan had a population of three million eight hundred and seventy-three thousand in round numbers. The Southwestern and Southern States of Texas, Arkansas, Louisiana, Mississippi, and Alabama had a population of three million eight hundred and thirty-four thousand in round numbers. From the Northern group fifty-seven homicides were returned, and from the Southern group seven hundred and sixteen were returned. This shows homicide to be very nearly

thirteen times more frequent in the Southern and Southwestern States than in the Northwestern States among an equal population.

If it is said that these statistics are defective, I readily grant it, but they approximate the truth. They sharply define the contrasts between two civilizations in this particular without, however, giving all the facts. A thorough and correct collection of homicides would undoubtedly show even a greater proportion as happening in the Southern States. But such a collection can never be had under the present system.

The statistics of 1870 show not a homicide in Vermont during the census year, and but one in New Hampshire. This I find to be correct by consulting other authorities. Here, then, we have two States adjacent to each other, with an aggregate population of nearly seven hundred thousand, among whom there was but one homicide in a year. The same year in Florida, with less than one-third the population of these two States, there were forty-four homicides reported. Measured by respective strength of population, and we find homicide in Florida over one hundred and fifty times more frequent than in New Hampshire and Vermont. Had the population of Vermont and New Hampshire been as sanguinarily inclined as the population of Florida, there would have been in the two States over one hundred and fifty homicides during the year! There was just one. On the other hand, were Florida as free from murder as New Hampshire and Vermont, instead of having

forty-four homicides in one year she would have an average of less than one annually, or fifteen to eighteen in a quarter of a century. So far from this being the case, it is probable that there are more homicides in Florida in one year than in Vermont and New Hampshire combined in a quarter of a century. Yet the population of these two States is some three and one-half times greater than that of Florida.

It is by such comparisons as these that we bring to view the great and unnecessary prevalence of homicide in the Southern States. It is a singular and painful fact that among no people of equal numbers is homicide as frequent as in the Southern section of our own country.

## CHAPTER XIV.

### SHOCKING CRIMES.

IT is often said that the more horrible class of murders, such as wife-murder and child-murder and the killing of helpless and unprotected females by tramps, burglars, and vagrants, is more frequent in the New England States than elsewhere in America. The percentage of this class of homicide to the total is undoubtedly greater, but family murders of all descriptions are more frequent in the Southern States than in New England, while the percentage of this class of crime in the South to the total homicides is probably less.

The notoriety of New England in respect to horrible crimes is to be attributed more to their immense publicity than to their frequency. The papers are burdened with the details, and the wires carry the news to the end of the land. There was quite recently a case of this kind in Massachusetts: one Freeman murdered his child, claiming that he was so commanded by God. It was a horrible murder, and its details and discussion filled thousands of columns of the newspapers not only in New England, but in all the States. Being nearly contemporaneous with the Kemper County massacre and the Dixon murder in Mississippi, from which political capital

was being made, many Southern papers attempted a "set-off" of one crime against the other! A distinguished Southern senator said to me that the Freeman murder was as horrible as the murders in Kemper County, and yet he proposed to refrain from branding all the people of Massachusetts as guilty, and desired the same charity shown the people of Mississippi.

Upon investigation Freeman was found to be insane, and is now confined. Shortly after this an insane mother in South Carolina murdered her five children in one awful butchery. It attracted very little attention, and was hardly mentioned in newspapers outside the State. Yet it was very similar to the Freeman murder, which took rank at the front of New England horrors, the difference being that in the New England case an insane parent killed his child, and in South Carolina an insane parent killed her five children. For these killings by the insane society is in no wise responsible. We can draw no conclusion from their occurrence. All we know is that the numbers bear about the same proportion to population the world over.

The killing of men by their brothers-in-law in open combat might be classed as manly compared to wife- and child-murder. In Texas and Kentucky, in 1878, sixteen men were killed by their brothers-in-law, mainly in "personal difficulties" growing out of family quarrels. Had the same rate of killing of men by their brothers-in-law occurred in New York, Pennsylvania, and New England, in proportion to

population, there would have been about one hundred men killed by their brothers-in-law in these States in one year! That, indeed, would be a bad year for brothers-in-law. But I only found two or three instances of men killing their brothers-in-law in these States during the year.

These numerous cases of men killing their brothers-in-law in two Southern States in one year grew out of the numerous affrays among relatives, in which the pistol and the knife were employed in the settlement of disputes. There are, to be sure, family affrays everywhere, in which the next of kin shoot and stab the next of kin, but nowhere is this class of crime so frequent, in proportion to population, as in the Southern States.

In Texas; during the year, four men killed their brothers in "personal difficulties," and a fifth was believed to be mortally wounded. These were by shooting and stabbing, like nine-tenths of the other homicides. The population of New York, Pennsylvania, and New England is about twelve times that of Texas. Were fratricide as frequent as in Texas, the number of men killed in one year in these States by their brothers would be about fifty. There are occasional instances of fratricide in these States, but the average is not above three annually.

Some years ago, in Hancock County, Kentucky, a man named Rogers killed his two sons in a "desperate affray," as the local papers called it. In Hancock County, Tennessee, in December, 1878, there was a family affray as horrible as this. The local



account published in a Knoxville paper says, "The difficulty originated in the family of J. W. Epperson, living five miles east of Thorn Hill. Epperson and wife separated some time since, and the husband remained away till Wednesday last. Upon returning, a fight ensued between himself and wife. John, a one-armed son, interfered to protect his mother. The father inflicted several severe wounds with a knife upon his son, who subsequently gained possession of the weapon and killed his father. Tom Epperson, another son, fired at his brother John, who ran into the house. The mother interposed to protect her one-armed son, and was shot through the heart. As she fell lifeless in the doorway, Tom fired at his brother and missed him, but hit another brother, George, in the thigh. Another shot missed him, but mortally wounded a sister. Tom escaped; John was arrested and acquitted on the ground of self-defence. The tragedy took place on the locality rendered famous by the terrible Lee-Ledger fight about a year ago."

The Lee-Ledger fight was almost as deadly, but was not confined to one family. My object in giving some of the details of the Epperson affray is to call attention to the wide difference in the publicity of crime in different sections of the country. The difference is even greater than the number of crimes of the class. Although this affray resulted in three homicides, the local papers only gave it brief attention, and there was no mention whatever of it in the general despatches. Such an affray happening in

New England, for instance, would have been telegraphed to the corners of the land, and the amplified details would have filled thousands of columns of the newspapers not only there, but elsewhere. It would have taken rank near the head of New England crimes, and been classed with the Freeman and Jesse Pomeroy murders and others in the long catalogue of New England horrors. We find in these, as in other instances, not that New England civilization gives rise to a disproportionate number of terrible crimes, but that crimes in that quarter are more extensively published and commented upon than elsewhere. Multiplied instances could be given of desperate and deadly affrays in the Southern States of which the briefest mention is never made in the general despatches. This results from no disposition to cover up crime, but is more due to the comparative inefficiency of the news system. In New England and all the Northern States nearly every homicide is mentioned (as a matter of news) in the general despatches. In the Southern States very few are. In Rapides Parish, Louisiana, a few years ago, in a deadly family affray three men were killed, but it was not made the subject of extended notice even in the Louisiana papers. The local account, published in the *Rapides Gazette*, is very short and concludes: "Thus this lady (referring to the unfortunate cause of the difficulty) lost husband, father, and brother in one day by their own hands."

These deadly family affrays are by no means frequent in the South, but they are much more frequent

than elsewhere among an equal population. They grow out of the same condition of society which admits of so many merely ordinary homicides. As I have shown, there were sixteen men killed by their brothers-in-law in one year in Texas and Kentucky, and, at proportionately the same rate, there would be about one hundred killed in one year in New York, New England, and Pennsylvania. While it would be but one hundred of this class of homicides, it would indicate a condition of society where several thousand homicides of all kinds could be looked for *and found*. That is, were homicide as frequent in New York, New England, and Pennsylvania as in Texas and Kentucky, in proportion to population, the number slain in one year would be nearly *four thousand*. Were the condition of society in New York, New England, and Pennsylvania such as to give rise to four thousand homicides annually, very likely as many as one hundred would be found to be men killed by their brothers-in-law.

## CHAPTER XV.

### COMPARISONS BY STATES AND COUNTIES.

TAKING the New England States together, including cities, manufacturing centres, foreign population and all, and we find the average of homicides to be one annually to about eighty thousand inhabitants. Some years the number is slightly in excess, and other years lower, but taking a series of years together it is found to be about the average. Omit Boston, with its very large foreign population, where there is an average of about ten murders annually, and it would change the result. Indeed, among the native-born population the homicide rate does not reach an average of one annually to every one hundred and fifty thousand inhabitants. But taking all together the average is as above given.

Were homicide equally infrequent in the Southern States there would be in Alabama an average of but twelve homicides annually ; in Arkansas an average of six annually ; in Georgia an average of fifteen annually ; in South Carolina an average of nine annually ; in Texas an average of fifteen annually, the population of that State having increased rapidly since the census of 1870. Making the population returned by that census a basis of comparison, and ten homicides annually in Texas would be the aver-

age number, provided killing were no more frequent than in New England and rural New York.

Compared by counties, the result would be approximately as follows: Alabama—Montgomery County, including city of Montgomery, an average of one homicide in two years; Russell County, one homicide in four years; Clarke County, one in six years; St. Clair County, one in eight years; Bibb County, one in ten years; Winston County, one in sixteen years; Geneva County, one in twenty-six years.

Kentucky—Jefferson County, including Louisville, three homicides in two years; Kenton County, one in two years; Fayette County, one in three years; Daviess County, one in four years; Bourbon County, one in five years; Mercer County, one in six years; Clay County, one in nine years; Wolf County, one in twenty-two years; Menifee County, one in forty years.

Georgia—Fulton County, including Atlanta, one homicide in two years; Bibb County, one in four years; Jasper County, one in eight years; Butts County, one in twelve years; Dade County, one in twenty-six years; Echols County, one in forty years.

Texas—Anderson County, one homicide in ten years; Austin County, one in five years; Bastrop County, one in six years; Bell County, one in eight years; Coryell County, one in eighteen years; Dallas County, one in four years; Galveston County, one in five years; Houston County, one in ten years; Kaufman County, one in eleven years; Harris County,

one in five years; Harrison County, one in six years; Wood County, one in eleven years.

Tennessee—Davidson County, including Nashville, an average of three homicides in four years; Shelby County, including Memphis, one homicide annually; Sumner County, one in three and a half years; Franklin County, one in five years; Coffee County, one in eight years; Bradley County, one in eight years; Carter County, one in ten years; Marion County, one in eleven years; White County, one in eight years; Scott County, one in fifteen years; Grundy County, one in twenty-one years; Lewis County, one in forty years.

Mississippi—Adams County, an average of one homicide every five years; Amite County, one in eight years; Choctaw County, one in five years; Copiah County, one in four years; Kemper County, one in seven years; Lauderdale County, one in seven years; Yazoo County, one in five years; Jasper County, one in eight years; Issaquena County, one in eleven years; Marion County, one in eighteen years; Jones County, one in twenty-four years; Greene County, one in forty years.

By this comparison the Mississippi reader can see at a glance what would be the average number of murders and manslaughters in his State, for instance, or any section of it, if crime against the person was as rare among an equal population as in New England and in New York outside the city.

As to Texas, a word of explanation is necessary. These comparisons were made mainly upon the

basis of the census of 1870, since which time the population of Texas has largely increased, and the relative figures would, therefore, in fairness, be subject to some modification. But as they are, or as they would be after making all allowances for increase of population, their suggestiveness is not impaired. That in a county of say ten thousand population there should not be over an average of one homicide every eight years may strike the Texas mind as a very small allowance, but this is the average among an equal population in the Eastern States,—that is, one homicide annually to eighty thousand population. It is the difference between a community where the carrying of concealed weapons is a habit and where it is not; where personal difficulties and street-fights with deadly weapons are frequent and where they are very rare. It is the difference between communities where the plea of self-defence is allowed to be used as a cloak for murder and where it is not. Texas, to be sure, is comparatively a new State, and allowances should be made on that account. But when the Eastern States and the Middle Northern States and the Western States of the North and Northwest were the newest of the new, there never was a time in the history of any one of them when murder and manslaughter was as frequent as in Texas to-day.

By these comparisons I have given by counties the Southern reader will be able to see at a glance what would be the condition of society with reference to taking human life in localities of his acquaint-

ance in several of the Southern States were murder and manslaughter as rare, among an equal population, as in the Eastern States. In the counties I have named in the Southern States the foreign-born population (with three or four exceptions) is small. Select in New England, for instance, the homicides among native-born Americans, and it will be found that the average is very much less than one annually to eighty thousand population. Indeed, not half that.

Take the number of murders and manslaughters in Texas, Kentucky, and South Carolina in 1878, and apply the same rate to the Northern States compared by population, and it gives some very suggestive contrasts. For instance, had murder and manslaughter been as frequent in Vermont that year as in these three States, the result would have been eighty-five persons killed in twelve months, or more than the average in that State in a third of a century! Apply the same rate to Pennsylvania, and it would give over nine hundred murders and manslaughters for the year, or one about every ten hours, day and night, Sundays included. When Mollie Maguireism was at its worst, the number of homicides in that State never came anywhere near these figures. Apply the same rate to Ohio, and it would give over seven hundred homicides during the year.

Compared by counties, there would have been during the year in Philadelphia County, Pennsylvania, one hundred and sixty-eight murders and manslaughters; in Alleghany County, sixty-five murders and manslaughters; in Schuylkill County, twenty-



nine murders and manslaughters; in Lancaster County, thirty murders and manslaughters.

In the State of New York, had murder and manslaughter been as frequent during 1878 as in the three Southern States named (relative population of course as a basis of comparison), there would have been in New York County two hundred and thirty-five murders and manslaughters; in Kings County one hundred and four; in Erie County forty-four; in Oneida County twenty-seven; in Monroe County twenty-nine; in Onondaga County twenty-six.

In Massachusetts, the same rate of killing for the year would have given Suffolk County sixty-eight murders and manslaughters (this is about as many as take place in the whole State in three years); Middlesex County sixty-nine; Essex County fifty; Worcester County forty-eight; Bristol County twenty-six; and so on.

In Connecticut, the same rate for one year would give New Haven County thirty murders and manslaughters; Fairfield County nineteen; and Hartford County twenty-seven.

The extraordinary frequency of homicide in the Southern States grows out of bad conditions, which, we are to presume, are the outgrowth of slavery, as there is no other way to account for them. They cannot be accounted for from climatic reasons, for that would presuppose a more radical difference in climate than exists between the Southern and the Northern portions of the United States.

Probably one-half of the homicides in the South-

ern States are to be attributed directly or indirectly to whiskey. One who has lived long in the rural districts South, and having previously been acquainted with communities where there was less disorder, enabling him to draw comparisons, could hardly fail to be impressed with the prevalence of whiskey-drinking and the frequency of fighting with deadly weapons. In the little towns, where police regulations are inefficient, there is apt to be more or less disorder when men congregate in large numbers on "circus-days" or court-days, or like occasions. At such times, towards night, when the whiskey begins to work, it very often happens that there is "a fight" between parties having what is locally called a "grudge," and the chances are that deadly weapons will be used. Perhaps several parties will be drawn in from kinship or partiality, and then the "difficulty" assumes such proportions that the solitary town constable or sheriff, or both, can do little towards quelling it. It becomes a street-fight of the peculiar Southern type. If deadly weapons are used, the chances are that some one will be killed or wounded. And it is a striking feature of these affrays that weapons are always used if the combatants can get hold of them. In the larger towns, where the police regulations are measurably good, there are rarely such scenes of violent disorder, and the killings are usually the result of sudden "difficulties," which the officers cannot prevent. It is in the smaller towns and villages, of from one to seven or eight hundred inhabitants, that street-fights, and affrays, and difficulties most

often take place. Sometimes these scenes of violent disorder utterly overpower the local authorities, and the contestants fight it out. Often these deadly difficulties arise from very trifling causes, and parties are drawn in to help their friends who had nothing to do with the beginning of the affray. Originating in whiskey, they usually end in blood.

In the smaller towns and throughout the rural regions of New England and New York this type of "affrays" with deadly weapons is almost unknown. In the average New England village there is not a street-fight with deadly weapons once in a century. The condition of society with reference to lawlessness and drunkenness and crimes against the person is as different from that which exists in the Southern States as can be easily imagined. Yet, a rigid enforcement of law, and adequate punishment for crime against the person, and suppression of the liquor traffic would, probably in a few generations, bring society in the South up to the New England standard in this particular. But the type of homicide so frequent in the South is very hard to reach by law. Two men have a "difficulty," both draw weapons, and one falls while attempting to shoot or stab his adversary. He pleads "self-defence," and is acquitted by the jury and by public opinion. He has simply killed his man, and his status in society is not impaired. He may run for Congress and receive the full vote of his party, and be elected, for that matter, if the political party to which he belongs is strong enough. The moral sense of whole commu-

nities becomes so blunted that the man-slayer's status is not impaired. I have said that this could be improved by a rigid enforcement of law. So it could, but that alone is not enough. The whole tone of society must be elevated and improved, and enforcement of law will follow as a natural sequence.

The effect of education in the suppression of crime is not to be under-estimated. In this connection a few lines of contrast drawn among the States teach important lessons. For instance, there was in Massachusetts in 1877 one homicide to every two hundred and seventy-nine thousand dollars expended in support of public schools. In South Carolina there was one homicide to every two thousand dollars expended in the support of public schools. This is a very significant contrast. The amount expended in support of public schools in Massachusetts that year is given in the report of the National Bureau of Education at five million five hundred and eighty-two thousand five hundred and nineteen dollars. The number of homicides in that State the same year was twenty. Here we have over a quarter of a million of dollars expended in public education to every case of homicide happening in the same State during the same time. Had homicide been as frequent in proportion to common school expenditure as in South Carolina, the number would have reached almost *twenty-eight hundred!* On the other hand, had homicide borne the same proportion to common school expenditure in South Carolina as in Massachusetts, there would have been but a single case.

Taking two younger States, Minnesota and Texas, we find in Texas one homicide to about every thirteen hundred dollars expended in support of public schools, and in Minnesota one homicide to about every seventy-five thousand dollars expended in support of public schools. The figures as to public school expenditures in the several States are from the reports of the National Bureau of Education, and are probably approximately correct. Kentucky has one homicide to about every fifty-six hundred dollars expended in public schools, and Pennsylvania about one to every ninety thousand dollars so expended. Singularly enough, a comparison by amount invested in church property brings out about the same result. Massachusetts has about one homicide annually to every one million and a quarter of dollars in church property, and South Carolina about one annually to every thirty thousand dollars' worth of church property. This is not because the value of church property in the latter State is small, but because the number of homicides is large. In Massachusetts the average annual number of homicides is actually below the number of round millions of dollars invested in church property. Indeed, this is true of all New England, taken as an entirety. Add to this the ten millions of dollars or more expended annually in the support of public schools, and we, perhaps, have one reason at least why there are so comparatively few murders and manslaughters. The simple fact that nearly four millions of people live together with an average of only about fifty homi-

cides annually indicates a high degree of civilization with respect to the sanctity of human life. Just what superior educational advantages has to do with this we cannot know. We only know that the people of those States expending most in support of public schools have among them correspondingly fewer crimes against the person.

The average number of arrests annually for murder in Boston is ten, as I have shown in another place. In New Orleans, for the fifteen months ending January 1, 1875, there were 60 arrests for murder and 21 as accessory to murder. There were also, during this time, 132 arrests for stabbing, 339 arrests for assault with deadly weapons, and 370 arrests for assault with intent to kill. All this in fifteen months. (Annual Report Board of Metropolitan Police, New Orleans, from October 1, 1873, to December 31, 1874, page 36.) The population of Boston is about eighty per cent. greater than that of New Orleans, and if murder were no more frequent in New Orleans than in Boston, in proportion to population, the annual arrests for murder would be but from five to six.

## CHAPTER XVI.

### CARRYING CONCEALED WEAPONS.

I HAVE travelled in every Southern State, visiting them again and again, riding thousands of miles on horseback through the wildest and most mountainous portions of Alabama, Tennessee, and Kentucky, yet I never carried a pistol, never owned one, and never saw the time when a pistol or a whole armory would have been of service. As for robbery, a man is as liable to be robbed on Broadway, New York, as in any of the Southern States east of the Mississippi. Robbery and skilful burglary are exceptionally rare in the Southern States, and there is no more reason to arm for the protection of property than in New York or New England. Indeed, in New England there is more personal property in the shape of money, bonds, and jewels than in all the Southern States east of the Mississippi. There are also in New England more professional thieves, pickpockets, and skilled burglars than in the Southern States. Here, then, are the conditions that would call for the habitual carrying of arms by citizens if there was any truth in the excuse that concealed weapons are necessary for "protection" against assaults on property. If it were true, then every male citizen of New England should have a horse-pistol under his coat and a

bowie-knife in his boot-leg. But it is not. The "excuse" itself for arms-carrying in the South is a libel upon that section. Where, possibly, the custom saves five dollars' worth of property, it causes the death of fifty men. This is paying too heavily. Society does not have adequate compensation for the outlay.

While property is in greater danger from professional thieves in New England than in the Southern States, we do not find the habit of carrying concealed weapons to exist in the New England States. If every male citizen of these States was suddenly and simultaneously searched at high noon upon a given day, it would be found that not one in one thousand had a pistol upon his person. Nor did the habit ever exist in that quarter. The laws forbid it, and public sentiment condemns it so strongly that were the laws silent the habit could not be engrafted upon society.

In a majority of Southern States there are laws against carrying concealed deadly weapons, but these statutes are rendered almost inoperative by qualifications, and at best are inadequately enforced, and the penalties small. In several States attempts have been made by those appreciating the magnitude of the evil to have laws enacted making it a felony to carry weapons. But this is always answered upon the part of the majority with arguments that the use of the pistol in the settlement of "difficulties" is no more frequent with us than in other States, and that the law-making power is not justifiable in abridging



the rights of the citizen to so dangerous an extent. Hence in some of the Southern States there is no law against carrying deadly weapons, and in all the penalties are small.

So fixedly has this deadly custom been engrafted upon society in many portions of the South that a very earnest and prolonged effort will be required to efface it. Nor is it confined to any class. Recently, in the House of Representatives of Louisiana, a pistol dropped from the pocket of the Speaker and exploded. The bullet did no harm, but what of the example? Some years ago the then governor of Tennessee was a candidate for re-election, and making a canvass with an opponent. During a heated public discussion, which may have threatened to take violent form, he drew from his coat-pocket a pistol! This in a public discussion before a large audience. What an example for the youth of Tennessee! The highest officer in the State, in a time of peace, on a peaceful mission, going among his fellow-citizens armed. The opposition papers made a point on this, but the governor was defended on the ground that he was making a journey from one county to another, and had a right, under the statutes, to carry a pistol. Technically, this was quite correct.

Recently a prominent State official at Austin, Texas, stepping from his buggy in front of the State-house door, was surprised to hear the report of a pistol at his feet, and feel the breath of the bullet as it whizzed past his ear. The weapon had dropped from his pocket and exploded. Where the habit of

arms-bearing is participated in by those who make and construe laws, some of the difficulties of suppressing the custom are apparent.

Usually, men in the South who do not habitually carry weapons arm themselves if they expect a "difficulty." It is the common practice. When the danger is past, and the trouble amicably settled by the intervention of friends, or otherwise, without bloodshed, and the pangs of wounded honor are assuaged, the arms are temporarily laid aside.

Many Southern judges appreciate the evils which have enveloped society on account of the assassin-like habit of carrying concealed weapons, and are very outspoken and manly in their charges to grand juries. But the penalties affixed are not at all in proportion to the crime. The number of homicides in the Southern States since the war exceed the deaths in the same section from yellow fever, yet yellow fever is not a self-inflicted evil, and homicide is. Not that in any condition of society homicide can be entirely prevented, but there is certainly no reason in climate or common sense why this crime should be from five to fifteen times more frequent in certain of the Southern States than in the Eastern and Middle States. And what has been accomplished in New England in guarding human life against assassins and murderers can be accomplished in every Southern State. The signs are not propitious that it will be done, but it can be, and rigorous imprisonment for carrying concealed weapons and hanging for murder would help to do it.

Some years ago, Judge Guild, of Tennessee, in a charge to a grand jury, said to them: "I now charge you upon a high misdemeanor, which is too common in the land, and which it is your duty to notice, and bring the offenders to justice. I allude to the vicious habit of carrying about the person concealed weapons. *More than half the homicides which occur grow out of this debased practice.* When I was a boy the bullies of one creek would meet those of another creek upon the muster-ground, a ring formed, and a fair fight had,—no concealed weapons drawn and citizens slain. All their muscles were brought into play, which ended in a knock-down and an occasional bite, but no slain. But now the desperado, with pistols buckled around him, seeks his victim, insults an unarmed man sensitive of his honor, and if he makes an effort to repel the insult the pistol is drawn,—a new grave is made, and a helpless widow and orphans are left to mourn the loss of the husband and father. . . . Such characters as those who loiter about whiskey-shops and attend upon gambling-hells think themselves disgraced if they have not 'killed their man,' so they arm themselves with the deadly pistol and seek an occasion to use it, that they may be lionized by the gentler sex, thinking it will give them position or caste with them, who, in every age, have appreciated bravery; but the bravery displayed by men should be courage exhibited in defence of their country, and not the bullyism of the murderer." (Page 367, Old Times in Tennessee.)

If the habit of carrying deadly weapons could be

suppressed in the Southern States it would diminish the number of homicides very largely. "Difficulties" that now result in manslaughter would, without deadly weapons, be simply assault and battery without harmful results.

Still, the suppression of pistols in private quarrels is not all. Very many of the homicides are caused by the use of ordinary large-bladed pocket-knives, which are not "unlawful weapons," but are very deadly. It sometimes happens that in general affrays among half a dozen men no pistols will be used, but all will be more or less cut with knives. In the *Charleston News and Courier* of February 5, 1880, is an account of a case in point,—a general "affray" in which knives only were used,—as follows:

"The Asheville *Citizen* learns of a most horrible butchery which occurred on Spring Creek, in Madison County, on Wednesday night last, whiskey being at the bottom of the affair. It seems that a crowd had been collected together during the day engaged in what is known as a 'working,' during which liquor had been freely drank. After supper Mr. Merritt Plemmons came upon the scene, and some of the party got into a row with him because of the fact that he had, at some time or another, 'informed' upon them as illicit distillers, and the friends of the two parties generally waded in with the knife. Result, nine men more or less butchered, some of them possibly fatally. A man named Duckett, who was endeavoring to part the combatants, had one eye cut out and his hands literally cut to pieces."

Such affrays as this among the lower order of people in the Southern States are not uncommon. They are very much less common than ordinary "difficulties" and street-fights with pistols; but they do no little in swelling the aggregate of homicides, and indicate the conditions out of which so many homicides grow.

Such a human butchery as the above happening in any Northern State would have attracted attention. But happening in one of the Southern States, where affrays of the sort are far too common, it excites no general attention, it is not made the subject of a despatch to any newspaper, and is only given briefly as above in the North Carolina news column of a South Carolina paper, made up from clippings from the local press. The very meagreness of details in accounts of these affrays in Southern newspapers is of itself an evidence of the small impression they make. An account of an ordinary homicide in the rural districts, in which the slayer and the slain are of the lower order of society, is usually dismissed by the nearest newspaper in a ten- or twenty-line account. Ordinarily, it is not made the subject of even the briefest despatch to the nearest city paper. If it gets into the city papers at all, it is usually by clippings from the local press. A still smaller percentage are mentioned in the general despatches. This can be easily verified. Collect the local accounts of homicides in South Carolina, for instance, for six months or a year, and then inspect the general despatches in papers outside of the State, and it will be found that

the briefest mention of not above one homicide in seven is sent outside the State in the general despatches. For this reason the general and special despatches in the great New York papers make mention of not over ten per cent. of the homicides committed in the Southern States. On the other hand, there is hardly a murder in New York, New Jersey, Pennsylvania, or in the New England States, that escapes mention in telegraphic or news columns of the New York papers. A Southern senator once said to me, speaking of political murder South, that he could hardly pick up a New York paper without finding an allusion to a murder in some one of the Northern States! This is true. The great New York papers cover the striking crimes in the States mentioned with a good deal of particularity, hence a murder seldom escapes mention in their news columns. The population of the States referred to is some fourteen millions, and among so vast a number there would naturally be a good many murders. But in the single State of Texas in the year 1878 there were many more murders and manslaughters than in all these nine States combined with their fourteen millions of people!

But there is in the Southern States a class of homicides that receive large attention from the local and sometimes from the outside press. I refer to such as arise from "difficulties" and street-fights among citizens of local prominence and respectability. For instance, the killing of Alston by Cox in Atlanta; the killing of Coleman by Gibson in Macon; the

killing of Hicks and Baxter in Nashville; the killing of Colonel House in a street-fight in Franklin, Tennessee; the killing of Beach by Coe in Memphis; the killing of General Clanton by Colonel Nelson at Knoxville; the killing of Porter by Currie in Texas; the killing of the Davieses, father and two sons, in Harrodsburg, Kentucky; the killing of young Breckenridge in Lebanon, Tennessee; the killing of Marshal Young at Mount Stirling, Kentucky; the killing of Dr. Grayson and wife in Texas; the killing of Judges Elliott and Burnett in Kentucky; the killing of Captain Callan in Dallas, and Alderman Nelle in Austin, Texas; the killing of Dr. Walker and Mr. Arnold in a Mississippi affray; the killing of Postmaster Austin and his son at Lake Providence, Louisiana; the killing of Rev. Mr. Standing, a Mormon elder, in Georgia; the killing of Brice and Johnson in South Carolina; the killing of Andrews and Greene and the Clark brothers in Vicksburg, and many others that could be mentioned. Indeed, I mention only such as come to my mind as I write, and the bloody record could be continued through many pages.

Such cases as these, involving persons of more or less local prominence, have extended mention in the local press, and most of them in the press at large. All these homicides were either assassinations or the result of street-fights. The list could be extended to almost indefinite lengths, but it is not necessary. I merely refer to a class of homicides that have excited unusual interest from the standing and respectability of the parties involved, but which, all told, are but a

fraction of the number that have fallen in the Southern States in the few years covered by these cases. Indeed, all here mentioned are not eight per cent. of the murders and manslaughters in the single State of Texas in a single year! While affrays of the sort from which these grew are liable to happen at any time, yet, as a matter of fact, there are comparatively few in the upper strata of society. It is in the lower walks of life that the most of the homicides occur; but four-fifths of them, whether in low or high degree, are the outgrowth of a debased civilization which resembles semi-barbarism in many of its features, and is liable to be mistaken for that by those who take but a narrow and superficial view of Southern society.

But to return to the matter of concealed weapons. I have mentioned among a few of the more prominent victims of pistol-practice the case of Colonel House, who was shot down in a street-fight in Franklin, Tennessee. Others were wounded. If those engaged in this affray had not had pistols it could hardly have been deadly. The same week that this happened there were no less than six persons killed in Tennessee in street-fights and "difficulties," all, or nearly all, growing out of the fact that deadly weapons were within easy reach.

Recently a despatch from New Orleans mentioned the mortal wounding of three men in one day in that city in three separate "difficulties," in which concealed weapons were used, and, as it seems, with deadly effect. The New Orleans *Times* said, not long ago, referring to the increase in crime, "As for



the carrying of firearms and other weapons, that is so notorious and general a practice as to be beyond comment, and the awful fruit thereof is visible in more than a dozen graves within the past few weeks."

An effort to get more stringent laws passed against the carrying of deadly weapons always encounters violent opposition. It is said that the way to prevent "difficulties" is to always be prepared for them! This has been declared again and again in the Legislatures of the Southern States, coupled with the usual declaration that murder "is no more frequent in our State than elsewhere." This ignorance as to the contrasted effects of the general habit of carrying weapons is one of the greatest drawbacks towards getting more stringent laws passed. Nearly all the Southern States have laws against the practice, but they are either dead-letters or the punishments merely nominal, generally a small fine. A few years in the penitentiary for this crime would be of assistance in lessening the aggregate of murders and manslaughters. Since the war, as I have before stated, more men have been shot and stabbed to death in the Southern States than have died of yellow fever. The fever comes as an epidemic, remains but a few months, and perhaps does not return for many years. It is deadly, but not constant. But the work of the pistol and the knife in the Southern States is more continuous, — every day has its victims. The world hears not of them. The nearest local paper publishes a short account, usually beginning, "We regret to learn of an unfortunate difficulty," etc. These deadly affays

are not frequent in all communities, indeed, much less frequent in some than in others, but take the Southern States together and the aggregate of homicides to population is unequalled.

The crime of stabbing cannot be reached by laws against carrying concealed weapons, but it can by laws such as were passed and enforced in England, making stabbing a felony punishable with death, without reference to whether the thrust was fatal or not. It was enacted that if any person shall "unlawfully and maliciously stab, cut, or wound any person with intent to disfigure or disable such person, . . . every such offender, and every person counseling, aiding, or abetting such offender, shall be guilty of felony, and, being convicted thereof, *shall suffer death as a felon.*"

Laws somewhat similar are needed in the Southern States to-day. The crusade against murder was and is so vigorous in England that the total number of cases of murder and manslaughter annually among the twenty-five millions of population in England and Wales is less than in the single State of Texas!

The administration of law in most of the Southern States with reference to crime against the person is very lax. If the murderer has social position, money, and friends, and if the man he killed happened to be wanting in these, conviction and adequate punishment are almost impossible. The killing of Beach by Coe in Memphis is a case in point. Beach was a sewing-machine agent, and wrote Coe's wife a business note in reference to the repair of a machine, which Coe,

with chivalric notions peculiar to the climate, chose to construe as insulting. He went to Beach's place of business armed. When Beach came out he attacked him with a cane. Beach seized the cane and was trying to take it from Coe when the latter shot him. Beach was unarmed. He lived two or three days, and it was his dying declaration that Coe shot him. This declaration was supported by concurrent testimony, and much of it was published during the trial by the Memphis newspapers. A minister who visited the dying man (and who was a witness) asked him if he was ready to die, and if he forgave his murderer. "It is hard," replied Beach, "to forgive an assassin," and as he said this his very look conveyed an intensity of meaning which his words could not. Meantime, Coe was on bail. At the trial a witness testified that the shot which killed Beach came from the other side of the street! No one else was arrested, however, and Coe was fined forty-five dollars for *assault* and discharged. Beach was buried.

In Macon, Georgia, a man of social standing and respectability, but crazy with drink, drew his pistol and shot down an unarmed stranger whom he had never even seen before. The victim died. The murder was cruel and wanton, but the murderer was acquitted by a jury of his peers. He had no malice against his victim. He did not even know him. Had he not been armed or drinking it would not have happened. But he was acquitted, and has since stabbed another man, as is believed, mortally.

The murder of Porter, the actor, in Texas, which

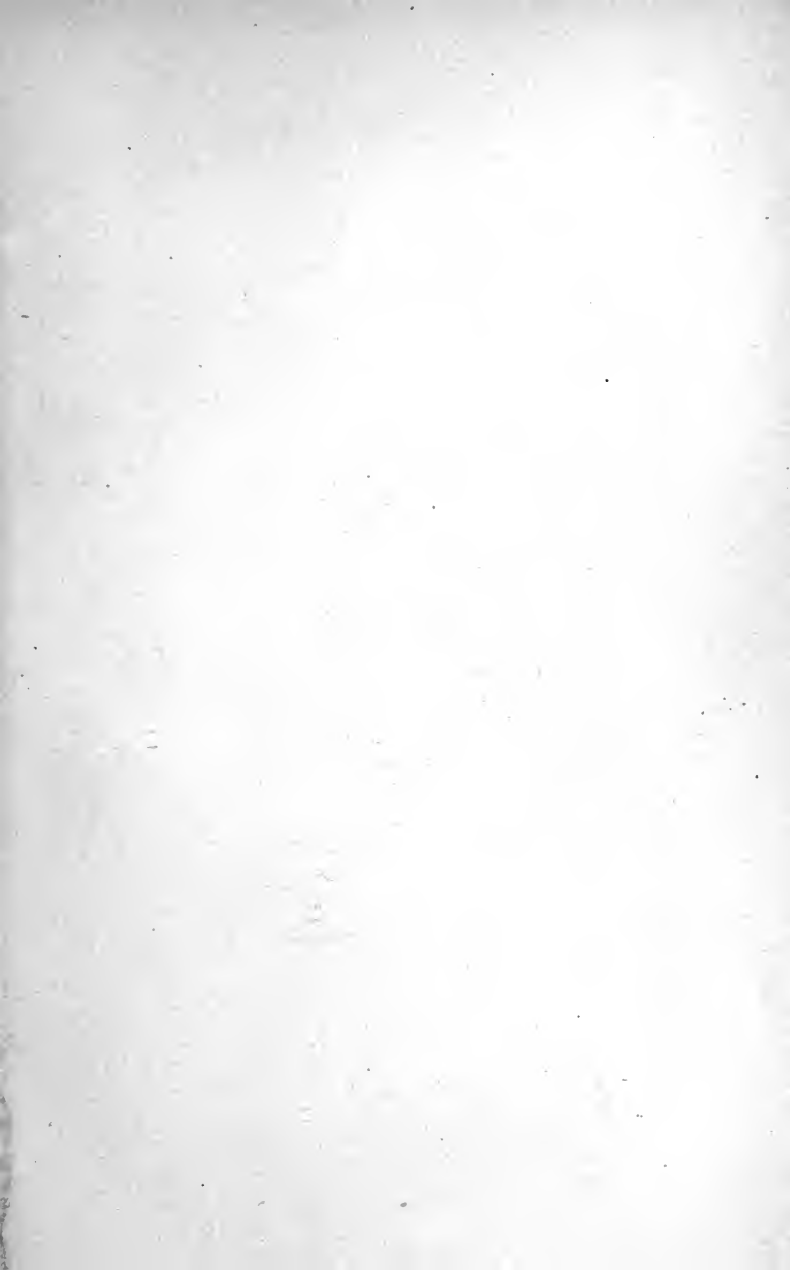
attracted some attention, is another instance of an unarmed man shot down in cold blood. I could multiply instances to the extent of many pages. In the public dining-room of a hotel in one of the Southern States I saw a man deliberately draw a pistol from beneath his coat and shoot an unarmed man sitting opposite him, with whom he was having an "argument." The assailant was immediately released on bail, pistol and all. I was told that he had killed several men, and was regarded as somewhat dangerous. In the State where this happened I think there is no law against carrying concealed weapons. In most of the Southern States, however, there are laws against this barbarous practice, but the penalties are inadequate. A term in the penitentiary for desperadoes who habitually go armed would be in the nature of reform. It will come to this some time in the future, and the sooner the better.

In nearly every Southern community the law-abiding, peaceably-disposed citizens are very largely in the majority. The desperadoes, man-slayers, habitual pistol-carriers, fighters, dangerous drunkards, and so-called "game" men are in the minority. The number of this class, however, as compared to the total population is larger than among English-speaking people elsewhere. Hence there are more homicides and more shooting and stabbing cases in the Southern States than occur elsewhere among any equal number of English-speaking people. The evil can be corrected and the percentage of homicides largely decreased. We have the example of Eng-

land, where the number of murders and manslaughters as compared to population has been decreased over eighteen hundred per cent. in the last four hundred years. This result has been accomplished by wholesome administration of law, sure punishment following every case detected. In the New England States, among nearly four millions of people, the number of murders and manslaughters is kept below an average of fifty annually, and a very large percentage of those which do happen are among foreign-born residents. In Vermont and New Hampshire, where the percentage of foreign population is lowest, there is an average of less than two murders annually in each State. Some years there are none at all. What has been done in New England towards the suppression of crime against the person can be done in the Southern States. In the South less than three per cent. of the population are of foreign birth. In the Middle States of the North and in the Northwest and in New England fully one-half the homicides are among foreign-born residents. In the Southern States there is not this element to contend with in the suppression of crime. The excessive number of homicides in these States is absolutely without excuse. The remedy must be found in an increased respect for human life, rigid enforcement of law, and, as nearly as possible, adequate punishment for every case of unjustifiable homicide.

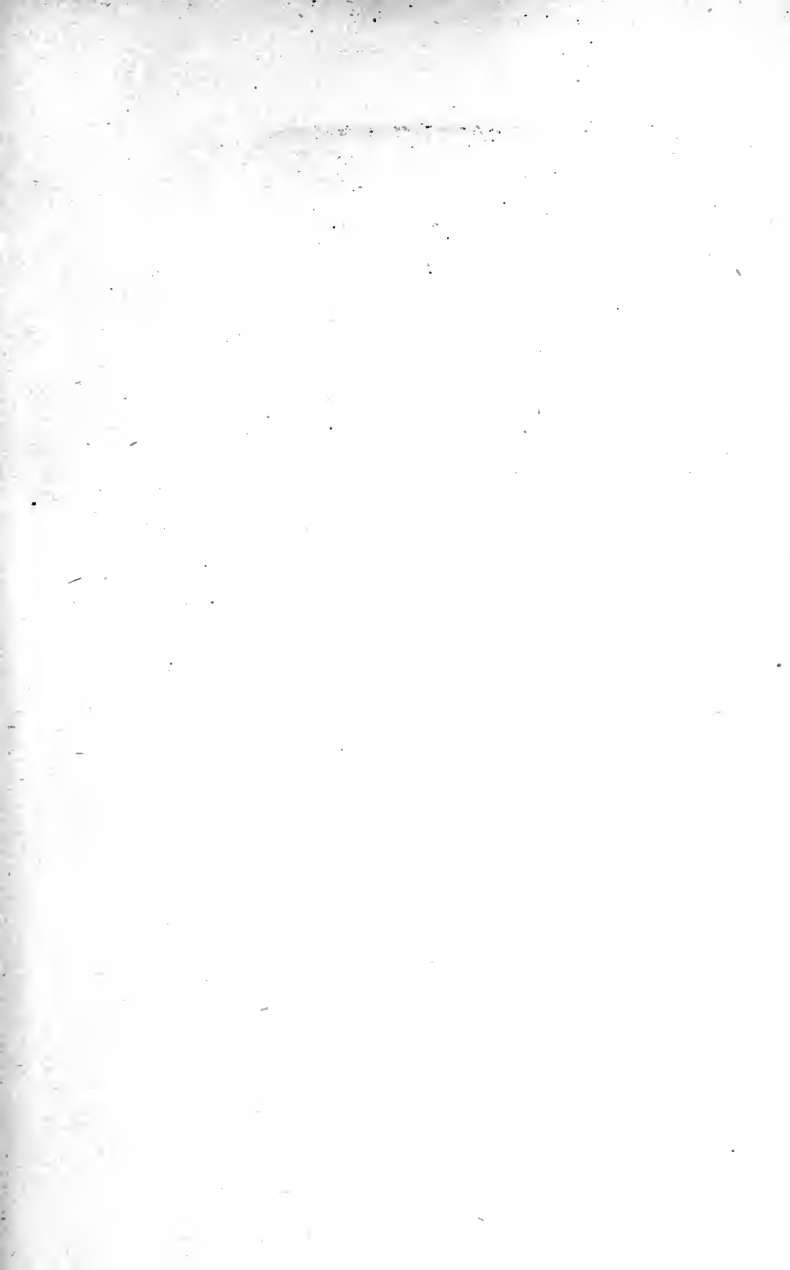
THE END.













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